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**[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE § 6103]**

Attorneys for Defendants
CITY OF PALOS VERDES ESTATES and
CHIEF OF POLICE JEFF KEPLEY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA; WESTERN DIVISION**

CORY SPENCER, an individual;
DIANA MILENA REED, an
individual; and COASTAL
PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation,

Plaintiffs,

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF
THE LUNADA BAY BOYS,
including but not limited to SANG
LEE, BRANT BLAKEMAN,
ALAN JOHNSTON aka JALIAN
JOHNSTON, MICHAEL RAE
PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA and N.F.;
CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

Case No. 2:16-cv-02129-SJO-RAO

Assigned to
District Judge: Hon. S. James Otero
Courtroom: 10C @ 350 W. First Street,
Los Angeles, CA 90012

Assigned Discovery:
Magistrate Judge: Hon. Rozella A. Oliver

**DECLARATION OF JACOB SONG
IN SUPPORT OF THE CITY OF
PALOS VERDES ESTATES AND
CHIEF OF POLICE JEFF KEPLEY'S
MOTION TO STRIKE THE
DECLARATION OF PHILIP KING**

Complaint Filed: March 29, 2016
Trial: November 7, 2017
Date: February 21, 2017
Time: 10:00 a.m.

DECLARATION OF JACOB SONG

I, JACOB SONG, hereby declare as follows:

1. I am an attorney duly admitted to practice before the United States District Court, Central District of California. I am an attorney with the law firm of Kutak Rock LLP, counsel of record for Defendants City of Palos Verdes Estates and Chief of Police Jeff Kepley (collectively the "City") in the above-entitled matter. The facts set forth herein are within my personal knowledge, and if called upon to testify, I could and would competently testify thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of the City's Interrogatories Set One to Plaintiff Cory Spencer.

3. Attached hereto as Exhibit 2 is a true and correct copy of the City's Interrogatories Set One to Plaintiff Diana Milena Reed.

4. Attached hereto as Exhibit 3 is a true and correct copy of the City's Interrogatories Set One to Plaintiff Coastal Protection Rangers.

5. Attached hereto as Exhibit 4 is a true and correct copy of Plaintiff Cory Spencer's Responses to the City's Interrogatories Set One.

6. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiff Diana Milena Reed's Responses to the City's Interrogatories Set One.

7. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiff Coastal Protection Rangers' Responses to the City's Interrogatories Set One.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Declaration of Philip King filed by Plaintiffs in support of their motion for class certification, which was filed by Plaintiffs as Dkt. No. 159-7.

9. On January 12, 2017, I participated in the L.R. 7-3 conference of counsel with Plaintiffs' counsel Mr. Kurt Franklin and Ms. Samantha Wolff. During that conference of counsel, discussed the scope and substance of the City's motion to strike, and inquired whether they would stipulate to withdraw the Declaration of Philip King. Plaintiffs' counsel declined to withdraw the

1 Declaration of Philip King, and indicated that they would oppose the City's motion
2 to strike.

3 10. Later, Plaintiffs' counsel offered to "supplement" Mr. King's
4 declaration. However, given that the City's opposition was due less than 24 hours
5 from Plaintiffs' offer to "supplement," and the City had no choice but to decline the
6 proposal, as agreeing to it would have resulted in substantial prejudice to the City
7 and all defendants. Attached hereto as Exhibit 8 is a true and correct copy of the
8 correspondence referenced.

9 I declare under penalty of perjury under the laws of the United States of
10 America that the foregoing is true and correct. Executed on January 20, 2017 at
11 Irvine, California.

12
13 /s/ Jacob Song

14 JACOB SONG
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Exhibit "1"

1 EDWIN J. RICHARDS (SBN 43855)
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3 CHRISTOPHER D. GLOS (SBN 210877)
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Irvine, CA 92614-8595
Telephone: (949) 417-0999
8 Facsimile: (949) 417-5394

9 Attorneys for Defendants
10 CITY OF PALOS VERDES ESTATES and
11 CHIEF OF POLICE JEFF KEPLEY

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **WESTERN DIVISION**

15 CORY SPENCER, an individual;
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25 CHARLIE FERRARA and N.F.;
CITY OF PALOS VERDES
26 ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his
27 representative capacity; and DOES
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Case No. 2:16-cv-02129-SJO-RAO

Assigned to
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**DEFENDANTS CITY OF PALOS
VERDES AND CHIEF OF POLICE
JEFF KEPLEY'S
INTERROGATORIES SET ONE TO
PLAINTIFFS**

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

Defendants.

**PROPOUNDING PARTY: DEFENDANTS CITY OF PALOS
VERDES ESTATES AND CHIEF OF
POLICE JEFF KEPLEY ("CITY")**

**RESPONDING PARTY: PLAINTIFFS CORY SPENCER, DIANA
MILENA REED, COASTAL
PROTECTION RANGERS, AND ALL
PUTATIVE CLASS MEMBERS
("PLAINTIFFS")**

SET: ONE

Pursuant to Fed. R. Civ. P. 33, the City propounds the following Interrogatories Set One to Plaintiffs. The City directs the following Interrogatories to Plaintiffs, and Fed. R. Civ. P. 33 proscribes the required manner and form of Plaintiffs' responses. In answering the following Interrogatories, Plaintiffs must furnish all information known or available to them, including all information known or available to Plaintiffs' agents, representatives, investigators, and/or attorneys.

DEFINITIONS

The terms "YOU" or "YOUR" refers to and shall mean Plaintiffs Cory Spencer, Diana Milena Reed, and Coastal Protection Rangers, including all agents, representatives, investigators, and/or attorneys.

The term "ACTION" shall refer to the lawsuit pending in the United States District Court, Central District of California, assigned Case No. 2:16-cv-02129-SJO-RAO, entitled *Cory Spencer, et al. v. Lunada Bay Boys, et al.*

The term "COMPLAINT" shall refer to the operative complaint in ACTION at the time the Responses are served.

1 The term "CLASS REPRESENTATIVES" shall refer to named Plaintiffs
2 Cory Spencer and Diana Milena Reed as set forth in Paragraph 3 under the section
3 titled "Relief" in the COMPLAINT.

4 The terms "COMMUNICATIONS" and "COMMUNICATE" shall mean any
5 verbal, written or electronic communication or correspondence.

6 The terms "DESCRIBE" when used in reference to facts, shall mean to state
7 those relevant facts to the extent of YOUR present knowledge and those which
8 YOU can ascertain by a reasonable search and to IDENTIFY all PERSONS with
9 knowledge of such facts and all DOCUMENTS relating to such facts,

10 The terms "RELATING TO," "RELATED," "RELATION TO," "RELATE
11 TO," "WHICH RELATE TO," "PERTAINING TO," "PERTAINS," or "WHICH
12 PERTAINS TO" mean, evidences, constitutes, refers to, contains, embodies,
13 evidences, reflects, contradicts, refutes, identifies, states, deals with, bears upon, or
14 is in any way logically or factually connected with any matter described.

15 The terms "DOCUMENT" or "DOCUMENTS" mean any kind of written,
16 typewritten, printed, recorded, computer produced or graphic material, however
17 produced or reproduced, including without limitation, agreements, affidavits,
18 statements, applications, brochures, drawings, graphs, photographs, microfilms,
19 notes, summaries, memoranda, letters, telegrams, mailgrams, calendars,
20 appointment books, newspaper or periodical articles and/or advertisements,
21 pamphlets, reports, bulletins, prospectuses, summaries or recordings of telephone or
22 other conversations, summaries or recordings of personal conversations, statements,
23 enclosures, diaries, notebooks, minutes, summaries and/or reports of negotiations or
24 investigations, analyses, projects, books, ledger sheets, accounts, journals, checks,
25 receipts, publications, contracts, records, tapes, e-mail or electronic mail (whether
26 in hard copy form or as stored on disk or computer hard drive), transcripts of
27 records, video or audio recordings, computer tapes or disks, computer printouts and
28

1 business records and further includes without limitation originals, copies, drafts
2 and/or any other writings or magnetic media such as tape or computer disk.

3 The term "IDENTIFY," when used in reference to a PERSON, shall mean to
4 provide a full name, ADDRESS, telephone number, and email address.

5 The term "IDENTIFY," when used in reference to a DOCUMENT, means to
6 state the type of documents, e.g., letter, memoranda, telegram, chart, etc., and some
7 means of identifying it, its present location and custodian. If any such document
8 was but is no longer in your possession or subject to your control, state what
9 disposition was made of it. Whenever an interrogatory asks for the description or
10 identification of a DOCUMENT, a copy of such document may be attached to the
11 answer to the interrogatory rather than describing it in accordance with the
12 foregoing definition.

13 The term "IDENTIFY," when used in reference to a communication, means
14 to state the parties to such communication, the medium of such communication,
15 i.e., telephonic, letter, etc., the date of such communication, and the subject matter
16 and substance of such communication.

17 The term "ANY" includes and encompasses "all".

18 **INTERROGATORIES**

19 **INTERROGATORY NO. 1:**

20 DESCRIBE with specificity all facts and contentions regarding all objective
21 criteria necessary to ascertain/define the number and identities of putative class
22 members as it specifically relates to YOUR claims against the City, including your
23 allegation in Paragraph 30 of the COMPLAINT that the putative class is no
24 numerous that joinder of all members is impracticable, and provide the following
25 information:

26 a. IDENTIFY all putative class members YOU have identified
27 specifically related to YOUR claims against the City, including all known contact
28 information;

1 b. DESCRIBE with specificity whether YOU have communicated with
2 ANY putative class members identified in subpart (a), the date(s) of all such
3 communications, if any, and the subject matter of any such communications;

4 b. For each putative class member identified in subpart (a), DESCRIBE
5 with specificity the nature of ANY harm/injury/wrongful conduct that forms the
6 basis for the inclusion of each putative class member in this ACTION, including all
7 persons involved, the dates on which ANY harm/injury/wrongful conduct occurred,
8 the location where ANY harm/injury/wrongful conduct occurred, and whether said
9 harm/injury/wrongful conduct was reported to ANY law enforcement agency;

10 c. IDENTIFY all DOCUMENTS relating to any harm/injury/wrongful
11 conduct set forth in subpart (b);

12 d. DESCRIBE with specificity the geographic location/domicile of all
13 putative class members;

14 e. IDENTIFY each putative class member whose declaration/affidavit
15 YOU intend to file in support of any motion for class certification, DESCRIBE
16 with specificity the specific subject matter of any such declaration/affidavit, and
17 indicate whether each putative class member identified by YOU is currently
18 represented by the law firm of Otten Law PC or Hanson Bridgett LLP.

19 f. State whether each putative class member and the specific subject of
20 information known described in subparts (a) and (b) and/or the DOCUMENTS
21 identified in subpart (c) were provided in YOUR Initial Disclosures originally
22 served on August 19, 2016.

23 **INTERROGATORY NO. 2:**

24 DESCRIBE and explain with specificity all facts and contentions YOU assert
25 regarding all questions of law or fact—if any—that YOU contend are common to
26 the putative class (as that term is defined by Fed. R. Civ. P. 23 (a)(2)) as
27 specifically related to YOUR claims against the City, and provide the following
28 information:

1 a. IDENTIFY all DOCUMENTS that YOU contend support YOUR
2 response to this Interrogatory;

3 b. IDENTIFY all witnesses that YOU contend support YOUR response
4 to this Interrogatory, and DESCRIBE all information known by each identified
5 witness.

6 c. State whether the DOCUMENTS identified in subpart (a) and/or the
7 witnesses identified in subpart (b) were provided in YOUR Initial Disclosures
8 originally served on August 19, 2016.

9 **INTERROGATORY NO. 3:**

10 DESCRIBE and explain with specificity all facts and contentions YOU assert
11 regarding why the CLASS REPRESENTATIVES' Third Cause of Action—42
12 U.S.C. § 1983—Equal Protection asserted against the City is “typical” (as that term
13 is defined by Fed. R. Civ. P. (a)(3)) of each member of the putative class as
14 specifically related to YOUR claims against the City, and provide the following
15 information:

16 a. IDENTIFY all DOCUMENTS that YOU contend support YOUR
17 response to this Interrogatory.

18 b. IDENTIFY all witnesses that YOU contend support YOUR response
19 to this Interrogatory, and DESCRIBE all information known by each identified
20 witness.

21 c. DESCRIBE with specificity the constitutional deprivation alleged by
22 each of the CLASS REPRESENTATIVES.

23 d. DESCRIBE with specificity the constitutional deprivation alleged by
24 each putative class member with whom YOU, or ANY of YOUR representatives,
25 attorneys, or agents have communications.

26 d. State whether the DOCUMENTS identified in subpart (a) and/or the
27 witnesses identified in subpart (b) were provided in YOUR Initial Disclosures
28 originally served on August 19, 2016.

INTERROGATORY NO. 4:

DESCRIBE and explain with specificity all facts and contentions YOU assert regarding why the CLASS REPRESENTATIVES can "fairly and adequately" (as that term is defined by Fed. R. Civ. P. 23(a)(4)) protect the interests of the putative class as specifically related to YOUR claims against the City, and provide the following information:

a. IDENTIFY all DOCUMENTS that YOU contend support YOUR response to this Interrogatory.

b. IDENTIFY all witnesses that YOU contend support YOUR response to this Interrogatory, and DESCRIBE all information known by each identified witness.

c. State whether the DOCUMENTS identified in subpart (a) and/or the witnesses identified in subpart (b) were provided in YOUR Initial Disclosures originally served on August 19, 2016.

INTERROGATORY NO. 5:

DESCRIBE and explain with specificity all facts and contentions YOU assert under Fed. R. Civ. P. 23(b)(2) that the City has acted or refused to act in a manner applicable to the putative class generally, thereby making injunctive or declaratory relief appropriate with respect to the class as a whole as specifically related to YOUR claims against the City, and provide the following information:

a. IDENTIFY all DOCUMENTS that YOU contend support YOUR response to this Interrogatory.

b. IDENTIFY all witnesses that YOU contend support YOUR response to this Interrogatory, and DESCRIBE all information known by each identified witness.

c. State whether the DOCUMENTS identified in subpart (a) and/or the witnesses identified in subpart (b) were provided in YOUR Initial Disclosures originally served on August 19, 2016.

1 **INTERROGATORY NO. 6:**

2 DESCRIBE and explain with specificity all facts and contentions YOU assert
3 under Fed. R. Civ. P. 23(b)(3) that questions of law and/or fact common to putative
4 class members predominate over any questions affecting individual putative class
5 members, and provide the following information:

6 a. IDENTIFY all DOCUMENTS that YOU contend support YOUR
7 response to this Interrogatory.

8 b. IDENTIFY all witnesses that YOU contend support YOUR response
9 to this Interrogatory, and DESCRIBE all information known by each identified
10 witness.

11 c. State whether the DOCUMENTS identified in subpart (a) and/or the
12 witnesses identified in subpart (b) were provided in YOUR Initial Disclosures
13 originally served on August 19, 2016.

14 Dated: September 30, 2016 KUTAK ROCK LLP

15
16 By: /s/ Jacob Song

17 Edwin J. Richards
18 Antoinette P. Hewitt
19 Christopher D. Glos
20 Jacob Song
21 Attorneys for Defendants
22 CITY OF PALOS VERDES ESTATES
23 and CHIEF OF POLICE JEFF KEPLEY
24
25
26
27
28

PROOF OF SERVICE

Cory Spencer, et al v. Lunada Bay Boys, et al.

USDC, Central District, Western Division Case No.: 2:16-cv-02129-SJO (RAOx)
STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the City of Irvine in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 5 Park Plaza, Suite 1500, Irvine, California 92614.

On September 30, 2016, I served on all interested parties as identified on the below mailing list the following document(s) described as:

**DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF
POLICE JEFF KEPLEY'S INTERROGATORIES SET ONE TO
PLAINTIFFS**

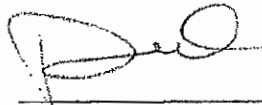
[X] (BY MAIL, 1013a, 2015.5 C.C.P.) I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this(these) document(s) will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] (BY ELECTRONIC MAIL) The above document was served electronically on the parties appearing on the service list associated with this case. A copy of the electronic mail transmission[s] will be maintained with the proof of service document.

SEE ATTACHED SERVICE LIST

[X] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 30, 2016, at Irvine, California.



Danielle Weber

SERVICE LIST

| | |
|---|---|
| <p>Kurt A. Franklin, Esq. Samantha Wolff, Esq. Caroline Lee, Esq. HANSON BRIDGETT LLP 425 Market Street, 26th Floor San Francisco, CA 94105</p> | <p>Attorneys for Plaintiffs Telephone: (415) 442-3200 Facsimile: (415) 541-9366 kfranklin@hansonbridgett.com swolff@hansonbridgett.com cleee@hansonbridgett.com</p> |
| <p>Tyson M. Shower, Esq. Landon D. Bailey, Esq. HANSON BRIDGETT LLP 500 Capitol Mall, Suite 1500 Sacramento, CA 95814</p> | <p>Attorneys for Plaintiffs Telephone: (916) 442-3333 Facsimile: (916) 442-2348 tshower@hansonbridgett.com lbailey@hansonbridgett.com</p> |
| <p>Victor Otten, Esq. Kavita Tekchandani, Esq. OTTEN LAW PC 3620 Pacific Coast Highway, #100 Torrance, CA 90505</p> | <p>Attorneys for Plaintiffs Telephone: (310) 378-8533 Facsimile: (310) 347-4225 vic@ottenlawpc.com kavita@ottenlawpc.com</p> |
| <p>Robert T. Mackey, Esq. Peter H. Crossin, Esq. Richard P. Dieffenbach, Esq. John P. Worgul, Esq. VEATCH CARLSON, LLP 1055 Wilshire Boulevard, 11th Floor Los Angeles, CA 90017</p> | <p>Attorneys for Defendant BRANT BLAKEMAN Telephone: (213) 381-2861 Facsimile: (213) 383-6370 rmackey@veatchfirm.com pcrossin@veatchfirm.com rdieffenbach@veatchfirm.com jworgul@veatchfirm.com</p> |
| <p>Robert S. Cooper, Esq. BUCHALTER NEMER, APC 1000 Wilshire Blvd., Ste. 1500 Los Angeles, CA 90017</p> | <p>Attorney for Defendant BRANT BLAKEMAN Telephone: (213) 891-5230 Facsimile: (213) 896-0400</p> |

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| | rcooper@buchalter.com |
| J. Patrick Carey, Esq. LAW OFFICES OF J. PATRICK CAREY 1230 Rosecrans Avenue, Suite 300 Manhattan Beach, CA 90266 | Attorney for Defendant ALAN JOHNSTON aka JALIAN JOHNSTON Telephone: (310) 526-2237 Facsimile: (310) 526-2237 pat@patcareylaw.com Email Used by ECF: pat@southbaydefenselawyer.com |
| Peter R. Haven, Esq. HAVEN LAW 1230 Rosecrans Avenue, Suite 300 Manhattan Beach, CA 90266 | Attorney for Defendant MICHAEL RAY PAPAYANS Telephone: (310) 272-5353 Facsimile: (213) 477-2137 peter@hblwfirmlaw.com peter@havenlaw.com |
| Mark C. Fields LAW OFFICES OF MARK C. FIELDS, APC 333 South Hope Street, 35 th Floor Los Angeles, CA 90071 | Attorney for Defendants ANGELO FERRARA; N.F. appearing through [Proposed] Guardian Ad Litem, Leonora Ferrara Attorney for Petitioner Telephone: (213) 948-2349 fields@markfieldslaw.com |
| Thomas M. Phillips, Esq. Aaron G. Miller THE PHILLIPS FIRM 800 Wilshire Boulevard, Suite 1550 Los Angeles, CA 90017 | Attorney for Defendant ANGELO FERRARA Telephone: (213) 244-9913 Facsimile: (213) 244-9915 tphillips@thephillipsfirm.com |
| Dana Alden Fox, Esq. Edward B. Ward, Jr., Esq. Eric Y. Kizirian, Esq. Tera Lutz, Esq. | Attorney for Defendant SANG LEE Telephone: (213) 580-3858 Facsimile: (213) 250-7900 |

| | |
|---|--|
| 1 LEWIS BRISBOIS BISGAARD & 2 SMITH LLP 3 633 W. 5 th Street, Suite 4000 4 Los Angeles, CA 90071 | Dana.Fox@lewisbrisbois.com Edward.Ward@lewisbrisbois.com Eric.Kizirian@lewisbrisbois.com Tera.Lutz@lewisbrisbois.com |
| 5 Daniel M. Crowley, Esq. 6 BOOTH, MITCHEL & STRANGE 7 707 Wilshire Boulevard, Suite 4450 8 Los Angeles, CA 90017 | Co-Counsel for Defendant SANG LEE Telephone: (213) 738-0100 Facsimile: (213) 380-3308 dmcrowley@boothmitchel.com |
| 9 10 Patrick Au, Esq. 11 Laura L. Bell, Esq. 12 BREMER WHYTE BROWN & 13 O'MEARA 14 21271 Burbank Boulevard, Suite 110 15 Woodland Hills, CA 91367 | Attorneys for Defendants FRANK FERRARA and CHARLIE FERRARA Telephone: (818) 712-9800 Facsimile: (818) 712-9900 pau@bremerwhyte.com lbell@bremerwhyte.com |

Exhibit “2”

1 EDWIN J. RICHARDS (SBN 43855)
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2 ANTOINETTE P. HEWITT (SBN 181099)
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8 Irvine, CA 92614-8595
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9 Attorneys for Defendants
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26 CITY OF PALOS VERDES
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Case No. 2:16-cv-02129-SJO-RAO

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District Judge: Hon. S. James Otero
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[EXEMPT FROM FILING FEES
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DEFENDANT CITY OF PALOS
VERDES INTERROGATORIES SET
ONE TO PLAINTIFF DIANA
MILENA REED

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

KUTAK ROCK LLP
ATTORNEYS AT LAW
IRVINE

- 1 -

2:16-cv-02129-SJO-RAO

DEFENDANT CITY OF PALOS VERDES' INTERROGATORIES SET ONE TO PLAINTIFF DIANA MILENA
REED

Defendants.

**PROPOUNDING PARTY: DEFENDANT CITY OF PALOS
VERDES ESTATES ("CITY")**

**RESPONDING PARTY: PLAINTIFF DIANA MILENA REED
("PLAINTIFF")**

SET: ONE

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DEFINITIONS

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- 2 -

2:16-cv-02129-SJO-RAO

DEFENDANT CITY OF PALOS VERDES' INTERROGATORIES SET ONE TO PLAINTIFF DIANA MILENA REED

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2 knowledge of such facts and all DOCUMENTS relating to such facts.

3 The terms "RELATING TO," "RELATED," "RELATION TO," "RELATE
4 TO," "WHICH RELATE TO," "PERTAINING TO," "PERTAINS," or "WHICH
5 PERTAINS TO" mean, evidences, constitutes, refers to, contains, embodies,
6 evidences, reflects, contradicts, refutes, identifies, states, deals with, bears upon, or
7 is in any way logically or factually connected with any matter described.

8 The terms "DOCUMENT" or "DOCUMENTS" mean any kind of written,
9 typewritten, printed, recorded, computer produced or graphic material, however
10 produced or reproduced, including without limitation, agreements, affidavits,
11 statements, applications, brochures, drawings, graphs, photographs, microfilms,
12 notes, summaries, memoranda, letters, telegrams, mailgrams, calendars,
13 appointment books, newspaper or periodical articles and/or advertisements,
14 pamphlets, reports, bulletins, prospectuses, summaries or recordings of telephone or
15 other conversations, summaries or recordings of personal conversations, statements,
16 enclosures, diaries, notebooks, minutes, summaries and/or reports of negotiations or
17 investigations, analyses, projects, books, ledger sheets, accounts, journals, checks,
18 receipts, publications, contracts, records, tapes, e-mail or electronic mail (whether
19 in hard copy form or as stored on disk or computer hard drive), transcripts of
20 records, video or audio recordings, computer tapes or disks, computer printouts and
21 business records and further includes without limitation originals, copies, drafts
22 and/or any other writings or magnetic media such as tape or computer disk.

23 The term "IDENTIFY," when used in reference to a PERSON, shall mean to
24 provide a full name, ADDRESS, telephone number, and email address.

25 The term "IDENTIFY," when used in reference to a DOCUMENT, means to
26 state the type of documents, e.g., letter, memoranda, telegram, chart, etc., and some
27 means of identifying it, its present location and custodian. If any such document
28 was but is no longer in your possession or subject to your control, state what

1 disposition was made of it. Whenever an interrogatory asks for the description or
2 identification of a DOCUMENT, a copy of such document may be attached to the
3 answer to the interrogatory rather than describing it in accordance with the
4 foregoing definition.

5 The term "IDENTIFY," when used in reference to a communication, means
6 to state the parties to such communication, the medium of such communication,
7 i.e., telephonic, letter, etc., the date of such communication, and the subject matter
8 and substance of such communication.

9 The term "ANY" includes and encompasses "all".

10 INTERROGATORIES

11 INTERROGATORY NO. 1:

12 DESCRIBE with specificity all facts and contentions regarding all objective
13 criteria necessary to ascertain/define the number and identities of putative class
14 members as it specifically relates to YOUR claims against the City, including your
15 allegation in Paragraph 30 of the COMPLAINT that the putative class is no
16 numerous that joinder of all members is impracticable, and provide the following
17 information:

18 a. IDENTIFY all witnesses that YOU contend support YOUR response
19 to this Interrogatory, and DESCRIBE all information known by each identified
20 witness.

21 INTERROGATORY NO. 2:

22 DESCRIBE and explain with specificity all facts and contentions YOU assert
23 regarding all questions of law or fact—if any—that YOU contend are common to
24 the putative class (as that term is defined by Fed. R. Civ. P. 23 (a)(2)) as
25 specifically related to YOUR claims against the City, and provide the following
26 information:

27 a. IDENTIFY all witnesses that YOU contend support YOUR response
28 to this Interrogatory, and DESCRIBE all information known by each identified

1 witness.

2 **INTERROGATORY NO. 3:**

3 DESCRIBE and explain with specificity all facts and contentions YOU assert
4 regarding why the CLASS REPRESENTATIVES' Third Cause of Action—42
5 U.S.C. § 1983—Equal Protection asserted against the City is “typical” (as that term
6 is defined by Fed. R. Civ. P. (a)(3)) of each member of the putative class as
7 specifically related to YOUR claims against the City, and provide the following
8 information:

9 a. IDENTIFY all witnesses that YOU contend support YOUR response
10 to this Interrogatory, and DESCRIBE all information known by each identified
11 witness.

12 **INTERROGATORY NO. 4:**

13 DESCRIBE and explain with specificity all facts and contentions YOU assert
14 regarding why the CLASS REPRESENTATIVES can “fairly and adequately” (as
15 that term is defined by Fed. R. Civ. P. 23(a)(4)) protect the interests of the putative
16 class as specifically related to YOUR claims against the City, and provide the
17 following information:

18 a. IDENTIFY all witnesses that YOU contend support YOUR response
19 to this Interrogatory, and DESCRIBE all information known by each identified
20 witness.

21 **INTERROGATORY NO. 5:**

22 DESCRIBE and explain with specificity all facts and contentions YOU assert
23 under Fed. R. Civ. P. 23(b)(2) that the City has acted or refused to act in a manner
24 applicable to the putative class generally, thereby making injunctive or declaratory
25 relief appropriate with respect to the class as a whole as specifically related to
26 YOUR claims against the City, and provide the following information:

27 a. IDENTIFY all witnesses that YOU contend support YOUR response
28 to this Interrogatory, and DESCRIBE all information known by each identified

- 5 -

2:16-cv-02129-SJO-RAO

1 witness.

2 **INTERROGATORY NO. 6:**

3 DESCRIBE and explain with specificity all facts and contentions YOU assert
4 under Fed. R. Civ. P. 23(b)(3) that questions of law and/or fact common to putative
5 class members predominate over any questions affecting individual putative class
6 members, and provide the following information:

7 a. IDENTIFY all witnesses that YOU contend support YOUR response
8 to this Interrogatory, and DESCRIBE all information known by each identified
9 witness.

10 **INTERROGATORY NO. 7:**

11 For each putative class member of whom YOU are aware, DESCRIBE with
12 specificity the nature of ANY harm/injury/wrongful conduct that forms the basis for
13 the inclusion of each putative class member in this ACTION, including the
14 residence of each putative class member, all persons involved, the dates on which
15 ANY harm/injury/wrongful conduct occurred, the location where ANY
16 harm/injury/wrongful conduct occurred, whether said harm/injury/wrongful
17 conduct was reported to ANY law enforcement agency, and if any such law
18 enforcement report was made, the identity of each such law enforcement agency.

19
20 Dated: October 31, 2016

KUTAK ROCK LLP

21
22 By: /s/ Jacob Song

Edwin J. Richards

Antoinette P. Hewitt

23 Christopher D. Glos

24 Jacob Song

Attorneys for Defendants

25 CITY OF PALOS VERDES ESTATES

and CHIEF OF POLICE JEFF KEPLEY

PROOF OF SERVICE

Cory Spencer, et al v. Lunada Bay Boys, et al.

USDC, Central District, Western Division Case No.: 2:16-cv-02129-SJO (RAOx)

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the City of Irvine in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 5 Park Plaza, Suite 1500, Irvine, California 92614.

On **October 31, 2016**, I served on all interested parties as identified on the below mailing list the following document(s) described as:

**DEFENDANTS CITY OF PALOS VERDES ESTATES
INTERROGATORIES SET ONE TO PLAINTIFF DIANA MILENA
REED**

☒ (BY PERSONAL SERVICE) I delivered the foregoing document(s) by hand to the office(s) of the addressee below.

Victor Otten, Esq.
Kavita Tekchandani, Esq.
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Attorneys for Plaintiffs

Telephone: (310) 378-8533
Facsimile: (310) 347-4225

vic@ottenlawpc.com
kavita@ottenlawpc.com

☒ (BY MAIL, 1013a, 2015.5 C.C.P.) I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this(these) document(s) will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

SEE ATTACHED SERVICE LIST

☐ (BY ELECTRONIC MAIL) The above document was served electronically on the parties appearing on the service list associated with this case. A copy of the electronic mail transmission[s] will be maintained with the proof of service document.

1 [X] (STATE) I declare under penalty of perjury under the laws of the State of California that
2 the above is true and correct.

3 Executed on October 31, 2016, at Irvine, California.

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6 Danielle Weber
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SERVICE LIST

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KUTAK ROCK LLP
ATTORNEYS AT LAW
IRVINE

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PROOF OF SERVICE

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| <p>Thomas M. Phillips, Esq. Aaron G. Miller THE PHILLIPS FIRM 800 Wilshire Boulevard, Suite 1550 Los Angeles, CA 90017</p> | <p>Attorney for Defendant ANGELO FERRARA</p> <p>Telephone: (213) 244-9913 Facsimile: (213) 244-9915 tphillips@thephillipsfirm.com</p> |
| <p>Dana Alden Fox, Esq. Edward E. Ward, Jr., Esq. Eric Y. Kizirian, Esq. Tera Lutz, Esq. LEWIS BRISBOIS BISGAARD & SMITH LLP 633 W. 5th Street, Suite 4000 Los Angeles, CA 90071</p> | <p>Attorney for Defendant SANG LEE</p> <p>Telephone: (213) 580-3858 Facsimile: (213) 250-7900</p> <p>Dana.Fox@lewisbrisbois.com Edward.Ward@lewisbrisbois.com Eric.Kizirian@lewisbrisbois.com Tera.Lutz@lewisbrisbois.com</p> |
| <p>Daniel M. Crowley, Esq. BOOTH, MITCHEL & STRANGE</p> | <p>Co-Counsel for Defendant SANG LEE</p> |

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| 707 Wilshire Boulevard, Suite 4450 Los Angeles, CA 90017 | Telephone: (213) 738-0100 Facsimile: (213) 380-3308 dmcrowley@boothmitchel.com |
| Patrick Au, Esq. Laura L. Bell, Esq. BREMER WHYTE BROWN & O'MEARA 21271 Burbank Boulevard, Suite 110 Woodland Hills, CA 91367 | Attorneys for Defendants FRANK FERRARA and CHARLIE FERRARA Telephone: (818) 712-9800 Facsimile: (818) 712-9900 pau@bremerwhyte.com lbell@bremerwhyte.com |

Exhibit “3”

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CHRISTOPHER D. GLOS (SBN 210877)
Email: Christopher.Glos@kutakrock.com
JACOB SONG (SBN 265371)
Email: Jacob.Song@kutakrock.com
KUTAK ROCK LLP
Suite 1500
5 Park Plaza
Irvine, CA 92614-8595
Telephone: (949) 417-0999
Facsimile: (949) 417-5394

Attorneys for Defendants
CITY OF PALOS VERDES ESTATES and
CHIEF OF POLICE JEFF KEPLEY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CORY SPENCER, an individual;
DIANA MILENA REED, an
individual; and COASTAL
PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation,

Plaintiffs,

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF
THE LUNADA BAY BOYS,
including but not limited to SANG
LEE, BRANT BLAKEMAN,
ALAN JOHNSTON aka JALIAN
JOHNSTON, MICHAEL RAE
PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA and N.F.;
CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Case No. 2:16-cv-02129-SJO-RAO

Assigned to
District Judge: Hon. S. James Otero
Courtroom: 1

Assigned Discovery:
Magistrate Judge: Hon. Rozella A. Oliver

**[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT CODE
§ 6103]**

**DEFENDANT CITY OF PALOS
VERDES INTERROGATORIES SET
ONE TO PLAINTIFF COASTAL
PROTECTION RANGERS**

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

Defendants.

**PROPOUNDING PARTY: DEFENDANT CITY OF PALOS
VERDES ESTATES ("CITY")**

**RESPONDING PARTY: PLAINTIFF COASTAL PROTECTION
RANGERS ("PLAINTIFF")**

SET: ONE

Pursuant to Fed. R. Civ. P. 33, the City propounds the following Interrogatories Set One to Plaintiff. The City directs the following Interrogatories to Plaintiff, and Fed. R. Civ. P. 33 proscribes the required manner and form of Plaintiff's responses. In answering the following Interrogatories, Plaintiff must furnish all information known or available, including all information known or available to Plaintiff's agents, representatives, investigators, and/or attorneys.

DEFINITIONS

The terms "YOU" or "YOUR" refers to and shall mean Plaintiff Coastal Protection Rangers, including all agents, representatives, investigators, and/or attorneys.

The term "ACTION" shall refer to the lawsuit pending in the United States District Court, Central District of California, assigned Case No. 2:16-cv-02129-SJO-RAO, entitled *Cory Spencer, et al. v. Lunada Bay Boys, et al.*

The term "COMPLAINT" shall refer to the operative complaint in ACTION at the time the Responses are served.

The term "CLASS REPRESENTATIVES" shall refer to named Plaintiffs Cory Spencer and Diana Milena Reed as set forth in Paragraph 3 under the section titled "Relief" in the COMPLAINT.

The terms "COMMUNICATIONS" and "COMMUNICATE" shall mean any verbal, written or electronic communication or correspondence.

1 The terms "DESCRIBE" when used in reference to facts, shall mean to state
2 those relevant facts to the extent of YOUR present knowledge and those which
3 YOU can ascertain by a reasonable search and to IDENTIFY all PERSONS with
4 knowledge of such facts and all DOCUMENTS relating to such facts.

5 The terms "RELATING TO," "RELATED," "RELATION TO," "RELATE
6 TO," "WHICH RELATE TO," "PERTAINING TO," "PERTAINS," or "WHICH
7 PERTAINS TO" mean, evidences, constitutes, refers to, contains, embodies,
8 evidences, reflects, contradicts, refutes, identifies, states, deals with, bears upon, or
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15 appointment books, newspaper or periodical articles and/or advertisements,
16 pamphlets, reports, bulletins, prospectuses, summaries or recordings of telephone or
17 other conversations, summaries or recordings of personal conversations, statements,
18 enclosures, diaries, notebooks, minutes, summaries and/or reports of negotiations or
19 investigations, analyses, projects, books, ledger sheets, accounts, journals, checks,
20 receipts, publications, contracts, records, tapes, e-mail or electronic mail (whether
21 in hard copy form or as stored on disk or computer hard drive), transcripts of
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24 and/or any other writings or magnetic media such as tape or computer disk.

25 The term "IDENTIFY," when used in reference to a PERSON, shall mean to
26 provide a full name, ADDRESS, telephone number, and email address.

27 The term "IDENTIFY," when used in reference to a DOCUMENT, means to
28 state the type of documents, e.g., letter, memoranda, telegram, chart, etc., and some

1 means of identifying it, its present location and custodian. If any such document
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4 identification of a DOCUMENT, a copy of such document may be attached to the
5 answer to the interrogatory rather than describing it in accordance with the
6 foregoing definition.

7 The term "IDENTIFY," when used in reference to a communication, means
8 to state the parties to such communication, the medium of such communication,
9 i.e., telephonic, letter, etc., the date of such communication, and the subject matter
10 and substance of such communication.

11 The term "ANY" includes and encompasses "all".

12 **INTERROGATORIES**

13 **INTERROGATORY NO. 1:**

14 DESCRIBE with specificity all facts and contentions regarding all objective
15 criteria necessary to ascertain/define the number and identities of putative class
16 members as it specifically relates to YOUR claims against the City, including your
17 allegation in Paragraph 30 of the COMPLAINT that the putative class is no
18 numerous that joinder of all members is impracticable, and provide the following
19 information:

20 a. IDENTIFY all witnesses that YOU contend support YOUR response
21 to this Interrogatory, and DESCRIBE all information known by each identified
22 witness.

23 **INTERROGATORY NO. 2:**

24 DESCRIBE and explain with specificity all facts and contentions YOU assert
25 regarding all questions of law or fact—if any—that YOU contend are common to
26 the putative class (as that term is defined by Fed. R. Civ. P. 23 (a)(2)) as
27 specifically related to YOUR claims against the City, and provide the following
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1 a. IDENTIFY all witnesses that YOU contend support YOUR response
2 to this Interrogatory, and DESCRIBE all information known by each identified
3 witness.

4 **INTERROGATORY NO. 3:**

5 DESCRIBE and explain with specificity all facts and contentions YOU assert
6 regarding why the CLASS REPRESENTATIVES' Third Cause of Action—42
7 U.S.C. § 1983—Equal Protection asserted against the City is “typical” (as that term
8 is defined by Fed. R. Civ. P. (a)(3)) of each member of the putative class as
9 specifically related to YOUR claims against the City, and provide the following
10 information:

11 a. IDENTIFY all witnesses that YOU contend support YOUR response
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13 witness.

14 **INTERROGATORY NO. 4:**

15 DESCRIBE and explain with specificity all facts and contentions YOU assert
16 regarding why the CLASS REPRESENTATIVES can “fairly and adequately” (as
17 that term is defined by Fed. R. Civ. P. 23(a)(4)) protect the interests of the putative
18 class as specifically related to YOUR claims against the City, and provide the
19 following information:

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22 witness.

23 **INTERROGATORY NO. 5:**

24 DESCRIBE and explain with specificity all facts and contentions YOU assert
25 under Fed. R. Civ. P. 23(b)(2) that the City has acted or refused to act in a manner
26 applicable to the putative class generally, thereby making injunctive or declaratory
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2 to this Interrogatory, and DESCRIBE all information known by each identified
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4 **INTERROGATORY NO. 6:**

5 DESCRIBE and explain with specificity all facts and contentions YOU assert
6 under Fed. R. Civ. P. 23(b)(3) that questions of law and/or fact common to putative
7 class members predominate over any questions affecting individual putative class
8 members, and provide the following information:

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10 to this Interrogatory, and DESCRIBE all information known by each identified
11 witness.

12 **INTERROGATORY NO. 7:**

13 For each putative class member of whom YOU are aware, DESCRIBE with
14 specificity the nature of ANY harm/injury/wrongful conduct that forms the basis for
15 the inclusion of each putative class member in this ACTION, including the
16 residence of each putative class member, all persons involved, the dates on which
17 ANY harm/injury/wrongful conduct occurred, the location where ANY
18 harm/injury/wrongful conduct occurred, whether said harm/injury/wrongful
19 conduct was reported to ANY law enforcement agency, and if any such law
20 enforcement report was made, the identity of each such law enforcement agency.

21 Dated: October 31, 2016

KUTAK ROCK LLP

22 By: /s/ Jacob Song

23
24 Edwin J. Richards
25 Antoinette P. Hewitt
26 Christopher D. Glos
27 Jacob Song
28 Attorneys for Defendants
CITY OF PALOS VERDES ESTATES
and CHIEF OF POLICE JEFF KEPLEY

PROOF OF SERVICE

Cory Spencer, et al v. Lunada Bay Boys, et al.

USDC, Central District, Western Division Case No.: 2:16-cv-02129-SJO (RAOx)
STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the City of Irvine in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 5 Park Plaza, Suite 1500, Irvine, California 92614.

On October 31, 2016, I served on all interested parties as identified on the below mailing list the following document(s) described as:

**DEFENDANTS CITY OF PALOS VERDES ESTATES
INTERROGATORIES SET ONE TO PLAINTIFF COASTAL
PROTECTION RANGERS**

☒ (BY PERSONAL SERVICE) I delivered the foregoing document(s) by hand to the office(s) of the addressee below.

Victor Otten, Esq.
Kavita Tekchandani, Esq.
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kavita@ottenlawpc.com


☒ (BY MAIL, 1013a, 2015.5 C.C.P.) I deposited such envelope in the mail at Irvine, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this(these) document(s) will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Irvine, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

SEE ATTACHED SERVICE LIST

☐ (BY ELECTRONIC MAIL) The above document was served electronically on the parties appearing on the service list associated with this case. A copy of the electronic mail transmission[s] will be maintained with the proof of service document.

1 [X] (STATE) I declare under penalty of perjury under the laws of the State of California that
2 the above is true and correct.

3 Executed on **October 31, 2016**, at Irvine, California.

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6 Danielle Weber
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| 25 26 27 28 | J. Patrick Carey, Esq. LAW OFFICES OF J. PATRICK CAREY 1230 Rosecrans Avenue, Suite 300 Manhattan Beach, CA 90266 | Attorney for Defendant ALAN JOHNSTON aka JALIAN JOHNSTON Telephone: (310) 526-2237 Facsimile: (310) 526-2237 |

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Exhibit “4”

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19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF CORY SPENCER'S
RESPONSES TO FIRST SET OF
INTERROGATORIES PROPOUNDED
BY DEFENDANT CITY OF PALOS
VERDES ESTATES**

1 Plaintiffs,

2 v.

3 LUNADA BAY BOYS; THE
4 INDIVIDUAL MEMBERS OF THE
5 LUNADA BAY BOYS, including but
6 not limited to SANG LEE, BRANT
7 BLAKEMAN, ALAN JOHNSTON
8 AKA JALIAN JOHNSTON,
9 MICHAEL RAE PAPAYANS,
10 ANGELO FERRARA, FRANK
11 FERRARA, CHARLIE FERRARA,
12 and N. F.; CITY OF PALOS
13 VERDES ESTATES; CHIEF OF
14 POLICE JEFF KEPLEY, in his
15 representative capacity; and DOES
16 1-10,

17 Defendants.

18 PROPOUNDING PARTY: Defendant CITY OF PALOS VERDES ESTATES

19 RESPONDING PARTY: Plaintiff CORY SPENCER

20 SET NO.: One

21 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
22 CORY SPENCER ("Responding Party") hereby submits these objections
23 and responses to the First Set of Interrogatories propounded by Defendant
24 CITY OF PALOS VERDES ESTATES ("Propounding Party").

25 **PRELIMINARY STATEMENT**

26 Nothing in this response should be construed as an admission by
27 Responding Party with respect to the admissibility or relevance of any fact,
28 or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not
completed his investigation of the facts relating to this case, his discovery or

1 his preparation for trial. All responses and objections contained herein are
2 based only upon information that is presently available to and specifically
3 known by Responding Party. It is anticipated that further discovery,
4 independent investigation, legal research and analysis will supply additional
5 facts and add meaning to known facts, as well as establish entirely new
6 factual conclusions and legal contentions, all of which may lead to
7 substantial additions to, changes in and variations from the responses set
8 forth herein. The following objections and responses are made without
9 prejudice to Responding Party's right to produce at trial, or otherwise,
10 evidence regarding any subsequently discovered information. Responding
11 Party accordingly reserves the right to modify and amend any and all
12 responses herein as research is completed and contentions are made.

13
14 **RESPONSES TO INTERROGATORIES**

15 **INTERROGATORY NO. 1:**

16 DESCRIBE with specificity all facts and contentions regarding all
17 objective criteria necessary to ascertain/define the number and identities of
18 putative class members as it specifically relates to YOUR claims against the
19 City, including your allegation in Paragraph 30 of the COMPLAINT that the
20 putative class is so numerous that joinder of all members is impracticable,
21 and provide the following information:

22 a. IDENTIFY all witnesses that YOU contend support YOUR
23 response to this Interrogatory, and DESCRIBE all information known by
24 each identified witness.

25 **RESPONSE TO INTERROGATORY NO. 1:**

26 Responding Party objects to this interrogatory as harassing and
27 duplicative of information disclosed in Responding Party's Rule 26(a)
28 disclosures and supplemental disclosures. Propounding Party may look to

1 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
2 the information sought by this interrogatory. Moreover, Responding Party
3 had the opportunity to depose Mr. Spencer on this topic.

4 Responding Party further objects to this interrogatory in that it is
5 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
6 information pertaining to the identity of the class. The putative class
7 consists of thousands, likely millions, of beachgoers. It would be unduly
8 burdensome to require Plaintiffs to identify thousands of people and
9 describe all information known to each witness.

10 Responding Party further objects to this interrogatory as compound.
11 This interrogatory contains multiple impermissible subparts in violation of
12 Federal Rule of Civil Procedure 33(a)(1).

13 Responding Party further objects to this interrogatory on the grounds it
14 is vague and ambiguous as to the meaning of the term "objective criteria
15 necessary to ascertain/define the number and identities."

16 Responding Party further objects to this interrogatory to the extent that
17 it seeks information that is outside of Responding Party's knowledge.

18 Responding Party further objects to the extent that this interrogatory
19 invades attorney-client privilege and/or violates the work product doctrine by
20 compelling Responding Party to disclose privileged communications and/or
21 litigation strategy. Responding Party will not provide any such information.

22 Responding Party further objects to this interrogatory as premature.
23 Because this interrogatory seeks or necessarily relies upon a contention,
24 and because this matter is in its early stages and pretrial discovery has only
25 just begun, Responding Party is unable to provide a complete response at
26 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
27 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
28 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see

1 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
2 interrogatory need not be answered until designated discovery is complete,
3 or until a pretrial conference or some other time.").

4 Subject to the foregoing objections, Responding Party responds as
5 follows:

6 The putative equitable-relief class consists of thousands, and
7 potentially millions, of would-be out-of area beachgoers who have the right
8 to visit Lunada Bay under state and federal law but who are deterred due to
9 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
10 Estates Police Department's complicity. This putative class includes people
11 who have wanted to visit Lunada Bay but have never done so out of fear of
12 the beach's localized reputation and the City's complicity in unlawful
13 exclusivity. The putative class also includes those who have visited the
14 beach only to be harassed, assaulted, threatened, battered, and/or had their
15 personal items vandalized. Many class members have filed police reports,
16 only to have no action taken by the police to identify or arrest the
17 aggressor(s). Others have been dissuaded by the police from filing a report.
18 This conduct has endured for decades. The class out-of-area beachgoers is
19 a diverse group, all who seek safe beach access to Palos Verdes Estates
20 beaches and Lunada Bay regardless of where they live, and regardless of
21 their race, national origin, ethnic group identification, religion, age, sex,
22 sexual orientation, color, genetic information, disability, or income.

23 Next, damages associated with Plaintiff's civil rights claim against the
24 City are incidental, as Plaintiff primarily seeks equitable relief under Federal
25 Rule of Civil Procedure 23(b)(2). *Parsons v. Ryan*, 754 F.3d 657, 686 (9th
26 Cir. 2014) (FRCP 23(b)(2) is particularly appropriate for civil rights class
27 actions). Rule 23(b)(2) does not have an "ascertainability" requirement.
28 See, e.g., *Shelton v. Biedsoe*, 775 F.3d 554, 559 (3d Cir. 2015); *Bee*,

1 *Denning, Inc. v. Capital Alliance Group*, 2016 WL 3952153 at *4 (S.D. Cal.
2 July 21, 2016); *In re Yahoo Mail Litigation*, 308 F.R.D. 577, 597-598 (N.D.
3 Cal. 2015); *see also P.P. v. Compton Unified School District*, 2015 WL
4 5752770 at *23-24 (C.D. Cal. Sept. 29, 2015). Similarly, with respect to
5 numerosity, "it is well settled that a plaintiff need not allege the exact number
6 or specific identity of proposed class members." *Newberg on Class Actions*,
7 § 3:13 (5th ed.).

8 Plaintiff notes that the City is in possession of information needed to
9 identify those putative class members who have filed police reports
10 pertaining to acts of aggression, intimidation, harassment, assault,
11 vandalism and battery occurring at Lunada Bay. Similarly, the City should
12 maintain records of complaints received from members of the public
13 pertaining to such conduct, but who were dissuaded from filing a police
14 report.

15 Finally, in terms of persons that stand to benefit from the equitable
16 relief Plaintiff seeks, Plaintiff currently estimates that a class of out-of area
17 "non-local" beachgoers may include more than 23,754,141 Southern
18 California residents, which equates to the populations of Los Angeles,
19 Orange, Ventura, San Diego, Santa Barbara, San Luis Obispo, Kern, San
20 Bernardino, Riverside, and Imperial Counties combined, less the number of
21 residents of Palos Verdes Estates.

22 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
23 witnesses in its Supplemental Disclosures and described the information
24 within the witnesses' knowledge. Plaintiff is in the process of gathering
25 additional information and will supplement this response as necessary and
26 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
27 following individuals who may have information in support of Plaintiff's
28 claims:

1 1. Jim Light and Craig W. Cadwallader who Plaintiffs understand
2 were members of the Executive Committee, South Bay Chapter, Surfrider
3 Foundation, on or about 2002. Contact information for these witnesses can
4 be obtained through the general counsel of the Surfrider Foundation, Angela
5 Howe. It is anticipated that these witnesses can offer testimony regarding
6 the Surfrider Foundation's involvement and/or interaction with the City of
7 PVE and the Localism issue.

8 2. Geoff Hagins, can be contacted through Plaintiffs' counsel. It is
9 anticipated that Mr. Hagins will offer testimony on the allegations set forth in
10 the Complaint related to Defendant Lunada Bay Boys, the Individual
11 Members of the Lunada Bay Boys and the allegations related to the City and
12 Police Department. Mr. Hagins was accosted by Peter McCollum and
13 several other Bay Boys as reflected in Incident Report 95-0381. Mr. Hagins
14 will offer testimony that he informed the police that he was bringing a Ch 13
15 news crew on the day of the incident and was told "call me if you have any
16 problems." Mr. Hagins will offer testimony that he believes that Officer Blee
17 got in trouble for helping him identify the people involed in the incident. It is
18 also anticipated that Mr. Hagins will offer testimony that he made numerous
19 complaints to the City over the years regarding the treatment of outsiders by
20 the police department. As an activist, it is anticipated that Mr. Hagins will
21 offer testimony regarding surfers from outside of PVE who have reached out
22 to him regarding the allegations set forth in the Complaint.

23 3. Jason Gersch, can be contacted through Plaintiffs' counsel. It is
24 anticipated that Mr. Gersch, a resident of Lomita, will offer testimony that
25 several years ago, he and three were checking the surf at the top of Bluff
26 Cove in Palos Verdes Estates and were approached by a PVE police officer.
27 The officer asked what they were doing. Mr. Gersch responded by stating
28 "checking the surf," and the officer illegally demanded to see their driver's

1 licenses. The officer then stated "you are a long way from home" and "it's
2 getting late so you need to leave." It is anticipated that Mr. Gersch will also
3 offer testimony that after he appeared on television at a Lunada Bay protest
4 organized by Geoff Hagins in 1996, he was detained by PVE police while
5 attending a house party in Lunada Bay. He was illegally held at the police
6 station but not charged. He was released after a couple hours and told him
7 to "walk towards Torrance." He was not permitted to use a phone. Mr.
8 Gersch will also offer testimony regarding several incidents at Lunada Bay
9 involving individual members of the Lunada Bay Boys. This witness will offer
10 testimony that these events made him fearful from surfing Lunada Bay.

11 4. Ken Claypool, can be contacted through Plaintiffs' counsel. It is
12 anticipated that Mr. Claypool will testify that regarding the allegations set
13 forth in the Complaint related to Defendant Lunada Bay Boys and the
14 Individual Members of the Lunada Bay Boys. This witness will testify about
15 several incidents of harassment at Lunada Bay involving Individuals such as
16 Brant Blakeman, Joshua Berstein and possibly one or more of the Ferraras.
17 It is anticipated that Mr. Claypool will also testify regarding the allegations
18 set forth in the Complaint related to the City including but not limited to
19 events that took place at Take Back Our Public Beaches Day -- Surf Lunada
20 Bay Peaceful Protest. This witness will offer testimony that these events
21 made him fearful from surfing Lunada Bay.

22 5. Chris Claypool, can be contacted through Plaintiffs' counsel. It is
23 anticipated that Mr. Claypool will testify regarding the allegations set forth in
24 the Complaint related to Defendant Lunada Bay Boys and the Individual
25 Members of the Lunada Bay Boys. This witness will testify about several
26 incidents of harassment at Lunada Bay involving Individuals such as Brant
27 Blakeman, Joshua Berstein and possibly one or more of the Ferraras. It is
28 anticipated that this witness will offer testimony that these events made him

1 fearful from surfing Lunada Bay.

2 6. Jordan Wright, can be contacted through Plaintiffs' counsel. Mr.
3 Wright is expected to testify regarding several incidents that he has had with
4 Individual members of the Lunada Bay Boys over the 2 – 3 years that he has
5 attempted surf the break, including but not limited to the following: (a) being
6 assaulted on January 29, 2016 by David Melo, (b) February 13, 2016
7 incident with Plaintiff Diana Reed, (c) other incidents when he attempted to
8 surf Lunada Bay. It is anticipated that Mr. Wright will also testify regarding
9 his interactions with the City. It is anticipated that this witness will offer
10 testimony that these events made him fearful from surfing Lunada Bay.

11 7. Christopher Taloa, can be contacted through Plaintiffs' counsel.
12 Mr. Taloa is expected to testify regarding the allegations set forth in the
13 Complaint related to Defendant Lunada Bay Boys and the Individual
14 Members of the Lunada Bay Boys. In addition, it is anticipated that Mr. Taloa
15 will testify regarding the allegations set forth in the Complaint related to the
16 City. Mr. Taloa was actively involved in the MLK Peaceful Paddle Out at
17 Lunada Bay, and is anticipated to offer testimony regarding PVE's reputation
18 for localism.

19 8. Daniel Dorn, can be contacted through Plaintiffs' counsel. Mr.
20 Dorn will testify that he is a semiprofessional body boarder from Redondo
21 Beach. Mr. Dorn never surfed Lunada Bay because of it's reputation for
22 localism. Mr. Dorn will testify that he attended one of Mr. Taloa's surfing
23 events at Lunada Bay because he felt it would be safe. Even though police
24 where present, the police would not tell him if it was safe to surf. Upon
25 entering the water, Mr. Dorn was assailed by profanities and threats. It is
26 anticipated that Mr. Dorn will testify that a Bay Boy in a kayak told him to
27 leave and threatened him. It is anticipated that Dorn will testify that Individual
28 Bay Boys dropped in on him and tried to run him over with their surfboards

1 until he left. It is anticipated that his witness will offer testimony that these
2 events made him fearful from surfing Lunada Bay.

3 9. John MacHarg, can be contacted through Plaintiffs' counsel. It is
4 anticipated that Mr. MacHarg will offer testimony on the allegations set forth
5 in the Complaint related to Defendant Lunada Bay Boys and the Individual
6 Members of the Lunada Bay Boys and the allegations related to the City and
7 Police Department. It is anticipated that Mr. MacHard will testify that while
8 visiting Lunada Bay on January 29, 2016, he was standing just under the
9 patio on the rocks and Defendant Sang Lee (local surfer/enforcer) who was
10 standing on top of the patio poured out a portion of the beer he was holding
11 on to his head. This happened right in front two officers that were standing 6
12 feet to his right. It is anticipated that Mr. MacHard will testify that he sent
13 emails to Chief Kepley and/or Mark Valez on 1-29-16 and 2-1-16 re the
14 incident with Sang Lee and the alcohol consumption problem at Lunada
15 Bay. It is anticipated that Mr. MacHard will testify regarding several incidents
16 involving individual Bay Boys and that it appears that the City is still
17 permitting the locals to drink alcohol at the bluff and on the beach.

18 10. Andy MacHarg, can be contacted through Plaintiffs' counsel. It is
19 anticipated that this witness will offer testimony on the allegations set forth in
20 the Complaint related to Defendant Lunada Bay Boys and the Individual
21 Members of the Lunada Bay Boys. It is further anticipated that this witness
22 will offer testimony that the conduct of the Bay Boys as alleged in the
23 Complaint caused him to stop visiting and/or surfing Lunada Bay. The
24 constant harassment made this witnesses stop surfing Lunada Bay.

25 11. Tom Wolley, can be contacted through Plaintiffs' counsel. It is
26 anticipated that Mr. Wolley will testify that on the allegations set forth in the
27 Complaint related to Defendant Lunada Bay Boys and the Individual
28 Members of the Lunada Bay Boys. This witness will testify about several

1 incidents of harassment at Lunada Bay involving Individuals such as Brant
2 Blakeman and Joshua Berstein. It is anticipated that Mr. Wolley will also
3 testify that on the allegations set forth in the Complaint related to the City. It
4 is anticipated that his witness will offer testimony that these events made
5 him fearful from surfing Lunada Bay.

6 12. Tim Tindall, can be contacted through Plaintiffs' counsel, on the
7 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
8 and the Individual Members of the Lunada Bay Boys. It is anticipated that
9 Mr. Tindell will testify about being harassed while attempting to body board
10 Wally's. It is anticipated that his witness will offer testimony that these events
11 made him fearful from surfing Lunada Bay.

12 13. John Innis, can be contracted through Plaintiffs' counsel. It is
13 anticipated that this witness will offer testimony regarding the allegations set
14 forth in the Complaint related to Defendant Lunada Bay Boys, the Individual
15 Members of the Lunada Bay Boys and the allegations related to the City.
16 This witness will testify that while trying to take photographs at Lunada Bay,
17 he was harassed by several individuals. He made a police report but nothing
18 came of it.

19 14. Gavin Heaney, can be contacted through Plaintiffs' counsel. It is
20 anticipated that Mr. Heaney will testify that he was denied entrance to
21 Lunada Bay on top of the bluff while attempting to surf there by six or more
22 Bay Boys who threatened him with violence and damage to his property if he
23 went down the trail. Fearing for his safety, he quickly left the area.

24 15. Tyler Canali, can be contacted through Plaintiffs' counsel. It is
25 anticipated that Mr. Canali will testify that he is not from Palos Verdes
26 Estates. He will testify that was seriously hassled when he surfed Lunada
27 Bay. It is anticipated that he will testify that the Individual Bay Boys
28 surrounded him in the water to intimidate him, dropped in on his waves,

1 harassed and intimidated him until he left.

2 16. Jimmy Conn, can be contacted through Plaintiffs' counsel. It is
3 anticipated that Mr. will testify that he started surfing Lunada Bay around
4 1976. Mr. Conn will testify that even when the surf was too big for the locals
5 to be in the water, they would still threaten, harass and throw rocks at him.
6 On one occasion, he was hit by a rock and needed 17 stiches in his lip. He
7 still has the scar.

8 17. Mike Bernard, contact information unknown, on the allegations
9 set forth in the Complaint related to Defendant Lunada Bay Boys and the
10 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
11 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
12 accosted by Peter McCollum and several other Bay Boys as reflected in
13 Incident Report 95-0381. It is anticipated that this witness will offer testimony
14 on the way the City handled the circumstances before and after the incident
15 described in Report 95-0381.

16 18. Mike Bernard, Jr. contact information unknown, on the
17 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
18 and the Individual Members of the Lunada Bay Boys. Geoff Hagins, John
19 Hagin, Mike Bernard, Mike Bernard, Jr., Charlie Rigano and Doug Disanti
20 were accosted by Peter McCollum and several other Bay Boys as reflected
21 in Incident Report 95-0381.

22 19. Charlie Rigano, contact information unknown, on the allegations
23 set forth in the Complaint related to Defendant Lunada Bay Boys and the
24 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
25 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
26 accosted by Peter McCollum and several other Bay Boys as reflected in
27 Incident Report 95-0381.

28 20. Doug Disanti, contact information unknown, on the allegations

1 set forth in the Complaint related to Defendant Lunada Bay Boys and the
2 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
3 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
4 accosted by Peter McCollum and several other Bay Boys as reflected in
5 Incident Report 95-0381.

6 21. Jen L. Belcastro, Propounding party has this witnesses contact
7 information. It is anticipated that Ms. Belcastro will offer testimony regarding
8 the events she witnessed and are recorded by the officers in Report for
9 Incident 16-02164 and the City's handling of investigation. It is anticipated
10 that this witness will offer the following testimony: 1) confirm that other than
11 being called the day of the incident and refusing to make a statement to the
12 police on that day, she was not contacted by the police again until on or
13 about April 13, 2016 – approximately three months after the incident; 2) the
14 report does not accurately reflect what happened at the patio structure.

15 22. Kurt Stanphenhorst, contact information unknown, on the
16 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
17 and the Individual Members of the Lunada Bay Boys. It is anticipated that
18 this witness will testify that got shot at with a pellet gun by an Individual Bay
19 Boy.

20 23. Randy Clark, contact information unknown, on the allegations set
21 forth in the Complaint related to Defendant Lunada Bay Boys and the
22 Individual Members of the Lunada Bay Boys.

23 24. Trish Laurie, contact information unknown. It is anticipated that
24 Ms. Laurie will testify that she was sexually harassed/assaulted at Lunada
25 Bay. It is anticipated that she will say that certain individuals dropped
26 "dropped their towels and jerked off to her." Ms. Laurie is being listed as a
27 possible percipient witness.

28 25. Tom Wilson, contact information unknown, on the allegations set

1 forth in the Complaint related to Defendant Lunada Bay Boys and the
2 Individual Members of the Lunada Bay Boys.

3 26. Martin Tueling, contact information unknown, on the allegations
4 set forth in the Complaint related to Defendant Lunada Bay Boys and the
5 Individual Members of the Lunada Bay Boys.

6 27. Bernie Mann, contact information unknown, on the allegations
7 set forth in the Complaint related to Defendant Lunada Bay Boys and the
8 Individual Members of the Lunada Bay Boys.

9 28. Dr. Stephen Young, can be contacted through Plaintiffs' counsel.
10 It is anticipated that Dr. Stephen Young will testify that while attending
11 Medical school he tried many times to enjoy the break at Lunada Bay and on
12 every occasion, he was bullied to the point he would have to leave the area.
13 It is anticipated that he will testify that his vehicle was damaged many times
14 which included slashed tires, scratches on the painted surfaces and broken
15 windows. He will testify that there was a few occasions that he feared for my
16 life. He will state that he filed a police report but nothing was done.

17 29. Hagan Kelly, contact information unknown, on the allegations set
18 forth in the Complaint related to Defendant Lunada Bay Boys and the
19 Individual Members of the Lunada Bay Boys.

20 30. Sef Krell, may be contacted through Plaintiffs' counsel. It is
21 anticipated that Mr. Kress will testify on the allegations set forth in the
22 Complaint related to Defendant Lunada Bay Boys and the Individual
23 Members of the Lunada Bay Boys and the allegations related to the City of
24 Palos Verdes Estates. Specifically, related to the incident that occurred on or
25 around November 15, 2014.

26 31. Alan Haven, can be contacted through Plaintiffs' counsel, on the
27 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
28 and the Individual Members of the Lunada Bay Boys. Mr. Haven is a

1 resident of Palos Verdes Estates and will testify regarding the video of an
2 assault that he took on October 10, 2015.

3 32. Daniel R. Jongeward, can be contacted through Plaintiffs'
4 counsel. It anticipated this witness will offer testimony related to Defendant
5 Lunada Bay Boys and the Individual Members of the Lunada Bay Boys.
6 Specifically, it is anticipated that Mr. Jongeward will testify that: (a) he is not
7 a resident of Palos Verdes Estates, (b) he was a big surfer but rides
8 longboards and guns, (c) he has attempted to surf Lunada Bay on several
9 occasions. Because of the reputation, he went alone and early in the
10 morning. He has had dirt clogs and rocks thrown at him. He has been
11 physically threatened. People threatened to vandalize his car. Because he
12 believes that the Lunada Bay Boys have the ability to physically harm him
13 and his property he made the decision not to return.

14 33. Patrick Landon, contact information unknown, on the allegations
15 set forth in the Complaint related to Defendant Lunada Bay Boys and the
16 Individual Members of the Lunada Bay Boys.

17 34. Frank Netto, can be contacted through Plaintiffs' counsel, on the
18 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
19 and the Individual Members of the Lunada Bay Boys.

20 35. Sharlean Perez, can be contacted through Plaintiffs' counsel, on
21 the allegations set forth in the Complaint related to Defendant Lunada Bay
22 Boys and the Individual Members of the Lunada Bay Boys. It is anticipated
23 that this witness will testify that she and her boyfriend tried to hike down the
24 trail to Lunada Bay and people started throwing glass bottles "near" and
25 "around" them. She and her boyfriend at the time were not from PVE.

26 36. Charles Michael Pinkerton, can be contacted through Plaintiffs'
27 counsel, on the allegations set forth in the Complaint related to Defendant
28 Lunada Bay Boys and the Individual Members of the Lunada Bay Boys. It is

1 anticipated that Mr. Pinkerton will testify that he is an aerospace engineer
2 with a Masters Degree that he has made several attempts to surf Lunada
3 Bay. He will state that he has been harassed (verbal harassments, threats of
4 violence, to throw things in the water). He has had all four tires flattened, his
5 windows waxed; his backpack thrown in the water while he was out surfing.

6 37. Mike Purpus, contact information unknown, on the allegations
7 set forth in the Complaint related to Defendant Lunada Bay Boys and the
8 Individual Members of The Lunada Bay Boys. This witness is a former
9 professional surfer who has written articles about localism at Lunada Bay
10 and is listed as a possible percipient witness.

11 38. Mike Stevens, Los Angeles County District Attorney's Office, 210
12 West Temple Street, Los Angeles, CA 90012, on the allegations set forth in
13 the Complaint related to Defendant Lunada Bay Boys and the Individual
14 Members of the Lunada Bay Boys. Plaintiffs have been informed that Mr.
15 Stevens is an investigator with the Los Angeles District Attorney's Office and
16 that he was hassled by the Bay Boys when attempting to surf Lunada Bay.
17 Neither Plaintiffs nor their attorneys have spoken directly with Mr. Stevens.
18 He is listed as a possible percipient witness.

19 39. Rory Carroll, contact information unknown, on the allegations set
20 forth in the Complaint related to Defendant Lunada Bay Boys and the
21 Individual Members of the Lunada Bay Boys. Specifically, Mr. Carroll is
22 expected to testify regarding the contents of the
23 video:[https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
24 [wars-lunada-bay-localism-video](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video).

25 40. Noah Smith, contact information unknown, on the allegations set
26 forth in the Complaint related to Defendant Lunada Bay Boys and the
27 Individual Members of the Lunada Bay Boys. Specifically, Mr. Carroll is
28 expected to testify regarding the contents of the video:

1 [https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
2 [lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

3 41. Karl Willert, can be contacted through Plaintiffs' counsel. It is
4 anticipated that this witness will offer testimony on the allegations set forth in
5 the Complaint related to Defendant Lunada Bay Boys and the Individual
6 Members of the Lunada Bay Boys and the City.

7 42. Jose Barahona, can be contacted through Plaintiffs' counsel. It is
8 anticipated that this witness will offer testimony on the allegations set forth in
9 the Complaint related to Defendant Lunada Bay Boys and the Individual
10 Members of the Lunada Bay Boys and the City.

11 **INTERROGATORY NO. 2:**

12 DESCRIBE and explain with specificity all facts and contentions YOU
13 assert regarding all questions of law or fact—if any that YOU contend are
14 common to the putative class (as that term is defined by Fed. R. Civ. P. 23
15 (a)(2)) as specifically related to YOUR claims against the City, and provide
16 the following information:

17 a. IDENTIFY all witnesses that YOU contend support YOUR
18 response to this Interrogatory, and DESCRIBE all information
19 known by each identified witness.

20 See response to interrogatory no.1.

21 **RESPONSE TO INTERROGATORY NO. 2:**

22 Responding Party objects to this interrogatory as harassing and
23 duplicative of information disclosed in Responding Party's Rule 26(a)
24 disclosures and supplemental disclosures. Propounding Party may look to
25 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
26 the information sought by this interrogatory. Moreover, Responding Party
27 had the opportunity to depose Mr. Spencer on this topic.

28 Responding Party further objects to this interrogatory in that it is

1 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
2 information pertaining to issues of law or fact common to the class. The
3 putative class consists of thousands, likely millions, of beachgoers. It would
4 be unduly burdensome to require Plaintiffs to identify thousands of people
5 and describe all information known to each witness.

6 Responding Party further objects to this interrogatory as compound.
7 This interrogatory contains multiple impermissible subparts in violation of
8 Federal Rule of Civil Procedure 33(a)(1).

9 Responding Party further objects to this interrogatory on the grounds it
10 is vague and ambiguous as to the meaning of the term "regarding all
11 questions of law or fact."

12 Responding Party further objects to this interrogatory to the extent that
13 it seeks information that is outside of Responding Party's knowledge.

14 Responding Party further objects to the extent that this interrogatory
15 invades attorney-client privilege and/or violates the work product doctrine by
16 compelling Responding Party to disclose privileged communications and/or
17 litigation strategy. Responding Party will not provide any such information.

18 Responding Party further objects to this interrogatory as premature.
19 Because this interrogatory seeks or necessarily relies upon a contention,
20 and because this matter is in its early stages and pretrial discovery has only
21 just begun, Responding Party is unable to provide a complete response at
22 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
23 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
24 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
25 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
26 interrogatory need not be answered until designated discovery is complete,
27 or until a pretrial conference or some other time.").

28 Subject to the foregoing objections, Responding Party responds as

1 follows:

2 The putative equitable-relief class consists of thousands, and
3 potentially millions, of would-be out-of area beachgoers who have the right
4 to visit Lunada Bay under state and federal law but who are deterred due to
5 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
6 Estates Police Department's complicity. This putative class includes people
7 who have wanted to visit Lunada Bay but have never done so out of fear of
8 the beach's localized reputation and the City's complicity in unlawful
9 exclusivity. The putative class also includes those who have visited the
10 beach only to be harassed, assaulted, threatened, battered, and/or had their
11 personal items vandalized. Many class members have filed police reports,
12 only to have no action taken by the police to identify or arrest the
13 aggressor(s). Others have been dissuaded by the police from filing a report.
14 This conduct has endured for decades. The class out-of-area beachgoers is
15 a diverse group, all who seek safe beach access to Palos Verdes Estates
16 beaches and Lunada Bay regardless of where they live, and regardless of
17 their race, national origin, ethnic group identification, religion, age, sex,
18 sexual orientation, color, genetic information, disability, or income.

19 Mr. Spencer's experiences with respect to Lunada Bay exemplify
20 those experienced by the putative class, described above. As set forth in
21 the Complaint and described by Mr. Spencer during his deposition, he
22 wanted to surf at Lunada Bay since he was in his mid-teens. He was
23 prevented from doing so out of fear of the Bay Boys' aggressive,
24 exclusionary and criminal tactics, including intimidation, vandalism, and
25 Lunada Bay's well-known reputation for violence and beach localism. He
26 finally worked up the courage to surf at Lunada Bay in January 2016 with a
27 group of outsiders, but was threatened, intimidated and harassed upon his
28 arrival at Lunada Bay. He was told to leave and was almost immediately

1 placed in fear. While in the water, he was blocked from getting any waves
2 by Defendant Blakeman, who was circling around him like a shark. Mr.
3 Spencer was then assaulted and battered in the water by an individual who
4 intentionally ran him over with his surfboard, slicing Mr. Spencer's right wrist.
5 He was fearful of being further injured and was in pain, and decided to
6 leave.

7 Although Mr. Spencer had contacted the Palos Verdes Estates Police
8 Department prior to visiting Lunada Bay in January 2016, the police were not
9 present at the beach, in the water, or on the fort and therefore did not
10 witness the harassment, assault, and battery that Mr. Spencer endured. Mr.
11 Spencer's experiences are not unique in that the City has done little, if
12 anything, to address the Bay Boys' actions of exclusion.

13 Plaintiff notes that the City is in possession of information needed to
14 identify those putative class members who have filed police reports
15 pertaining to acts of aggression, intimidation, harassment, assault,
16 vandalism and battery occurring at Lunada Bay. Similarly, the City should
17 maintain records of complaints received from members of the public
18 pertaining to such conduct, but who were dissuaded from filing a police
19 report.

20 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
21 witnesses in its Supplemental Disclosures and described the information
22 within the witnesses' knowledge. Plaintiff is in the process of gathering
23 additional information and will supplement this response as necessary and
24 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
25 following individuals who may have information in support of Plaintiff's
26 claims:

27 See response to interrogatory no. 1.

28 **INTERROGATORY NO. 3:**

1 DESCRIBE and explain with specificity all facts and contentions YOU
2 assert regarding why the CLASS REPRESENTATIVES' Third Cause of
3 Action—42 U.S.C. § 1983—Equal Protection asserted against the City is
4 "typical" (as that term is defined by Fed. R. Civ. P. (a)(3)) of each member of
5 the putative class as specifically related to YOUR claims against the City,
6 and provide the following information:

7 a. IDENTIFY all witnesses that YOU contend support YOUR
8 response to this Interrogatory, and DESCRIBE all information known by
9 each identified witness.

10 **RESPONSE TO INTERROGATORY NO. 3:**

11 Responding Party objects to this interrogatory as harassing and
12 duplicative of information disclosed in Responding Party's Rule 26(a)
13 disclosures and supplemental disclosures. Propounding Party may look to
14 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
15 the information sought by this interrogatory. Moreover, Responding Party
16 had the opportunity to depose Mr. Spencer on this topic.

17 Responding Party further objects to this interrogatory in that it is
18 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
19 information pertaining to issues of law or fact common to the class. The
20 putative class consists of thousands, likely millions, of beachgoers. It would
21 be unduly burdensome to require Plaintiffs to identify thousands of people
22 and describe all information known to each witness.

23 Responding Party further objects to this interrogatory as compound.
24 This interrogatory contains multiple impermissible subparts in violation of
25 Federal Rule of Civil Procedure 33(a)(1).

26 Responding Party further objects to this interrogatory to the extent that
27 it seeks information that is outside of Responding Party's knowledge.

28 Responding Party further objects to the extent that this interrogatory

1 invades attorney-client privilege and/or violates the work product doctrine by
2 compelling Responding Party to disclose privileged communications and/or
3 litigation strategy. Responding Party will not provide any such information.

4 Responding Party further objects to this interrogatory as premature.
5 Because this interrogatory seeks or necessarily relies upon a contention,
6 and because this matter is in its early stages and pretrial discovery has only
7 just begun, Responding Party is unable to provide a complete response at
8 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
9 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
10 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
11 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
12 interrogatory need not be answered until designated discovery is complete,
13 or until a pretrial conference or some other time.").

14 Subject to the foregoing objections, Responding Party responds as
15 follows:

16 The putative equitable-relief class consists of thousands, and
17 potentially millions, of would-be out-of area beachgoers who have the right
18 to visit Lunada Bay under state and federal law but who are deterred due to
19 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
20 Estates Police Department's complicity. This putative class includes people
21 who have wanted to visit Lunada Bay but have never done so out of fear of
22 the beach's localized reputation and the City's complicity in unlawful
23 exclusivity. The putative class also includes those who have visited the
24 beach only to be harassed, assaulted, threatened, battered, and/or had their
25 personal items vandalized. Many class members have filed police reports,
26 only to have no action taken by the police to identify or arrest the
27 aggressor(s). Others have been dissuaded by the police from filing a report.
28 This conduct has endured for decades. The class out-of-area beachgoers is

1 a diverse group, all who seek safe beach access to Palos Verdes Estates
2 beaches and Lunada Bay regardless of where they live, and regardless of
3 their race, national origin, ethnic group identification, religion, age, sex,
4 sexual orientation, color, genetic information, disability, or income.

5 Mr. Spencer's experiences with respect to Lunada Bay exemplify
6 those experienced by the putative class, described above. As set forth in
7 the Complaint and described by Mr. Spencer during his deposition, he
8 wanted to surf at Lunada Bay since he was in his mid-teens. He was
9 prevented from doing so out of fear of the Bay Boys' aggressive,
10 exclusionary and criminal tactics, including intimidation, vandalism, and
11 Lunada Bay's well-known reputation for violence and beach localism. He
12 finally worked up the courage to surf at Lunada Bay in January 2016 with a
13 group of outsiders, but was threatened, intimidated and harassed upon his
14 arrival at Lunada Bay. He was told to leave and was almost immediately
15 placed in fear. While in the water, he was blocked from getting any waves
16 by Defendant Blakeman, who was circling around him like a shark. Mr.
17 Spencer was then assaulted and battered in the water by an individual who
18 intentionally ran him over with his surfboard, slicing Mr. Spencer's right wrist.
19 He was fearful of being further injured and was in pain, and decided to
20 leave.

21 Although Mr. Spencer had contacted the Palos Verdes Estates Police
22 Department prior to visiting Lunada Bay in January 2016, the police were not
23 present at the beach, in the water, or on the fort and therefore did not
24 witness the harassment, assault, and battery that Mr. Spencer endured. Mr.
25 Spencer's experiences are not unique in that the City has done little, if
26 anything, to address the Bay Boys' actions of exclusion.

27 Plaintiff notes that the City is in possession of information needed to
28 identify those putative class members who have filed police reports

1 pertaining to acts of aggression, intimidation, harassment, assault,
2 vandalism and battery occurring at Lunada Bay. Similarly, the City should
3 maintain records of complaints received from members of the public
4 pertaining to such conduct, but who were dissuaded from filing a police
5 report.

6 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
7 witnesses in its Supplemental Disclosures and described the information
8 within the witnesses' knowledge. Plaintiff is in the process of gathering
9 additional information and will supplement this response as necessary and
10 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
11 following individuals who may have information in support of Plaintiff's
12 claims:

13 See response to interrogatory no.1.

14 **INTERROGATORY NO. 4:**

15 DESCRIBE and explain with specificity all facts and contentions YOU
16 assert regarding why the CLASS REPRESENTATIVES can "fairly and
17 adequately" (as that term is defined by Fed. R. Civ. P. 23(a)(4)) protect the
18 interests of the putative class as specifically related to YOUR claims against
19 the City, and provide the following information:

20 a. IDENTIFY all witnesses that YOU contend support YOUR
21 response to this Interrogatory, and DESCRIBE all information known by
22 each identified witness.

23 **RESPONSE TO INTERROGATORY NO. 4:**

24 Responding Party objects to this interrogatory as harassing and
25 duplicative of information disclosed in Responding Party's Rule 26(a)
26 disclosures and supplemental disclosures. Propounding Party may look to
27 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
28 the information sought by this interrogatory. Moreover, Responding Party

1 had the opportunity to depose Mr. Spencer on this topic.

2 Responding Party further objects to this interrogatory in that it is
3 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
4 information pertaining to issues of law or fact common to the class. The
5 putative class consists of thousands, likely millions, of beachgoers. It would
6 be unduly burdensome to require Plaintiffs to identify thousands of people
7 and describe all information known to each witness.

8 Responding Party further objects to this interrogatory as compound.
9 This interrogatory contains multiple impermissible subparts in violation of
10 Federal Rule of Civil Procedure 33(a)(1).

11 Responding Party further objects to this interrogatory to the extent that
12 it seeks information that is outside of Responding Party's knowledge.

13 Responding Party further objects to the extent that this interrogatory
14 invades attorney-client privilege and/or violates the work product doctrine by
15 compelling Responding Party to disclose privileged communications and/or
16 litigation strategy. Responding Party will not provide any such information.

17 Responding Party further objects to this interrogatory as premature.
18 Because this interrogatory seeks or necessarily relies upon a contention,
19 and because this matter is in its early stages and pretrial discovery has only
20 just begun, Responding Party is unable to provide a complete response at
21 this time, nor is it required to do so. *See Kmiec v. Powerwave Techs. Inc. et*
22 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
23 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
24 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
25 interrogatory need not be answered until designated discovery is complete,
26 or until a pretrial conference or some other time.").

27 Subject to the foregoing objections, Responding Party responds as
28 follows:

1 The putative equitable-relief class consists of thousands, and
2 potentially millions, of would-be out-of area beachgoers who have the right
3 to visit Lunada Bay under state and federal law but who are deterred due to
4 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
5 Estates Police Department's complicity. This putative class includes people
6 who have wanted to visit Lunada Bay but have never done so out of fear of
7 the beach's localized reputation and the City's complicity in unlawful
8 exclusivity. The putative class also includes those who have visited the
9 beach only to be harassed, assaulted, threatened, battered, and/or had their
10 personal items vandalized. Many class members have filed police reports,
11 only to have no action taken by the police to identify or arrest the
12 aggressor(s). Others have been dissuaded by the police from filing a report.
13 This conduct has endured for decades. The class out-of-area beachgoers is
14 a diverse group, all who seek safe beach access to Palos Verdes Estates
15 beaches and Lunada Bay regardless of where they live, and regardless of
16 their race, national origin, ethnic group identification, religion, age, sex,
17 sexual orientation, color, genetic information, disability, or income.

18 Plaintiff is unaware of any conflicts of interest that either he or his
19 counsel may have with other class members and intends to (and has)
20 vigorously prosecute this case on behalf of other putative class members.
21 Additionally, Plaintiff's experiences with respect to Lunada Bay exemplify
22 those of many – if not most – putative class members and demonstrate a
23 sharing of interest.

24 As set forth in the Complaint and described by Mr. Spencer during his
25 deposition, he wanted to surf at Lunada Bay since he was in his mid-teens.
26 He was prevented from doing so out of fear of the Bay Boys' aggressive,
27 exclusionary and criminal tactics, including intimidation, vandalism, and
28 Lunada Bay's well-known reputation for violence and beach localism. He

1 finally worked up the courage to surf at Lunada Bay in January 2016 with a
2 group of outsiders, but was threatened, intimidated and harassed upon his
3 arrival at Lunada Bay. He was told to leave and was almost immediately
4 placed in fear. While in the water, he was blocked from getting any waves
5 by Defendant Blakeman, who was circling around him like a shark. Mr.
6 Spencer was then assaulted and battered in the water by an individual who
7 intentionally ran him over with his surfboard, slicing Mr. Spencer's right wrist.
8 He was fearful of being further injured and was in pain, and decided to
9 leave.

10 Although Mr. Spencer had contacted the Palos Verdes Estates Police
11 Department prior to visiting Lunada Bay in January 2016, the police were not
12 present at the beach, in the water, or on the fort and therefore did not
13 witness the harassment, assault, and battery that Mr. Spencer endured. Mr.
14 Spencer's experiences are not unique in that the City has done little, if
15 anything, to address the Bay Boys' actions of exclusion.

16 Plaintiff notes that the City is in possession of information needed to
17 identify those putative class members who have filed police reports
18 pertaining to acts of aggression, intimidation, harassment, assault,
19 vandalism and battery occurring at Lunada Bay. Similarly, the City should
20 maintain records of complaints received from members of the public
21 pertaining to such conduct, but who were dissuaded from filing a police
22 report.

23 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
24 witnesses in its Supplemental Disclosures and described the information
25 within the witnesses' knowledge. Plaintiff is in the process of gathering
26 additional information and will supplement this response as necessary and
27 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
28 following individuals who may have information in support of Plaintiff's

1 claims:

2 See response to interrogatory no.1.

3 **INTERROGATORY NO. 5:**

4 DESCRIBE and explain with specificity all facts and contentions YOU
5 assert under Fed. R. Civ. P. 23 (b)(2) that the City has acted or refused to
6 act in a manner applicable to the putative class generally, thereby making
7 injunctive or declaratory relief appropriate with respect to the class as a
8 whole as specifically related to YOUR claims against the City, and provide
9 the following information:

10 a. IDENTIFY all witnesses that YOU contend support YOUR
11 response to this Interrogatory, and DESCRIBE all information known by
12 each identified witness.

13 **RESPONSE TO INTERROGATORY NO. 5:**

14 Responding Party objects to this interrogatory as harassing and
15 duplicative of information disclosed in Responding Party's Rule 26(a)
16 disclosures and supplemental disclosures. Propounding Party may look to
17 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
18 the information sought by this interrogatory. Moreover, Responding Party
19 had the opportunity to depose Mr. Spencer on this topic.

20 Responding Party further objects to this interrogatory in that it is
21 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
22 information pertaining to issues of law or fact common to the class. The
23 putative class consists of thousands, likely millions, of beachgoers. It would
24 be unduly burdensome to require Plaintiffs to identify thousands of people
25 and describe all information known to each witness.

26 Responding Party further objects to this interrogatory as compound.
27 This interrogatory contains multiple impermissible subparts in violation of
28 Federal Rule of Civil Procedure 33(a)(1).

1 Responding Party further objects to this interrogatory to the extent that
2 it seeks information that is outside of Responding Party's knowledge.

3 Responding Party further objects to the extent that this interrogatory
4 invades attorney-client privilege and/or violates the work product doctrine by
5 compelling Responding Party to disclose privileged communications and/or
6 litigation strategy. Responding Party will not provide any such information.

7 Responding Party further objects to this interrogatory as premature.
8 Because this interrogatory seeks or necessarily relies upon a contention,
9 and because this matter is in its early stages and pretrial discovery has only
10 just begun, Responding Party is unable to provide a complete response at
11 this time, nor is it required to do so. See *Kmieć v. Powerwave Techs. Inc. et*
12 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
13 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
14 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
15 interrogatory need not be answered until designated discovery is complete,
16 or until a pretrial conference or some other time.").

17 Subject to the foregoing objections, Responding Party responds as
18 follows:

19 The putative equitable-relief class consists of thousands, and
20 potentially millions, of would-be out-of area beachgoers who have the right
21 to visit Lunada Bay under state and federal law but who are deterred due to
22 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
23 Estates Police Department's complicity. This putative class includes people
24 who have wanted to visit Lunada Bay but have never done so out of fear of
25 the beach's localized reputation and the City's complicity in unlawful
26 exclusivity. The putative class also includes those who have visited the
27 beach only to be harassed, assaulted, threatened, battered, and/or had their
28 personal items vandalized. Many class members have filed police reports,

1 only to have no action taken by the police to identify or arrest the
2 aggressor(s). Others have been dissuaded by the police from filing a report.
3 This conduct has endured for decades. The class out-of-area beachgoers is
4 a diverse group, all who seek safe beach access to Palos Verdes Estates
5 beaches and Lunada Bay regardless of where they live, and regardless of
6 their race, national origin, ethnic group identification, religion, age, sex,
7 sexual orientation, color, genetic information, disability, or income.

8 Plaintiff is unaware of any conflicts of interest that either he or his
9 counsel may have with other class members and intends to (and has)
10 vigorously prosecute this case on behalf of other putative class members.
11 Additionally, Plaintiff's experiences with respect to Lunada Bay exemplify
12 those of many – if not most – putative class members and demonstrate a
13 sharing of interest.

14 As set forth in the Complaint and described by Mr. Spencer during his
15 deposition, he wanted to surf at Lunada Bay since he was in his mid-teens.
16 He was prevented from doing so out of fear of the Bay Boys' aggressive,
17 exclusionary and criminal tactics, including intimidation, vandalism, and
18 Lunada Bay's well-known reputation for violence and beach localism. He
19 finally worked up the courage to surf at Lunada Bay in January 2016 with a
20 group of outsiders, but was threatened, intimidated and harassed upon his
21 arrival at Lunada Bay. He was told to leave and was almost immediately
22 placed in fear. While in the water, he was blocked from getting any waves
23 by Defendant Blakeman, who was circling around him like a shark. Mr.
24 Spencer was then assaulted and battered in the water by an individual who
25 intentionally ran him over with his surfboard, slicing Mr. Spencer's right wrist.
26 He was fearful of being further injured and was in pain, and decided to
27 leave.

28 Although Mr. Spencer had contacted the Palos Verdes Estates Police

1 Department prior to visiting Lunada Bay in January 2016, the police were not
2 present at the beach, in the water, or on the fort and therefore did not
3 witness the harassment, assault, and battery that Mr. Spencer endured. Mr.
4 Spencer's experiences are not unique in that the City has done little, if
5 anything, to address the Bay Boys' actions of exclusion. Mr. Spencer
6 believes that injunctive relief is appropriate and necessary in order to finally
7 permit public access at Lunada Bay.

8 Plaintiff notes that the City is in possession of information needed to
9 identify those putative class members who have filed police reports
10 pertaining to acts of aggression, intimidation, harassment, assault,
11 vandalism and battery occurring at Lunada Bay. Similarly, the City should
12 maintain records of complaints received from members of the public
13 pertaining to such conduct, but who were dissuaded from filing a police
14 report.

15 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
16 witnesses in its Supplemental Disclosures and described the information
17 within the witnesses' knowledge. Plaintiff is in the process of gathering
18 additional information and will supplement this response as necessary and
19 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
20 following individuals who may have information in support of Plaintiff's
21 claims:

22 See response to interrogatory no.1.

23 **INTERROGATORY NO. 6:**

24 DESCRIBE and explain with specificity all facts and contentions YOU
25 assert under Fed. R. Civ. P. 23(b)(3) that questions of law and/or fact
26 common to putative class members predominate over any questions
27 affecting individual putative class members, and provide the following
28 information:

1 a. IDENTIFY all witnesses that YOU contend support YOUR
2 response to this Interrogatory, and DESCRIBE all information known by
3 each identified witness.

4 **RESPONSE TO INTERROGATORY NO. 6:**

5 Responding Party objects to this interrogatory as harassing and
6 duplicative of information disclosed in Responding Party's Rule 26(a)
7 disclosures and supplemental disclosures. Propounding Party may look to
8 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
9 the information sought by this interrogatory. Moreover, Responding Party
10 had the opportunity to depose Mr. Spencer on this topic.

11 Responding Party further objects to this interrogatory in that it is
12 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
13 information pertaining to issues of law or fact common to the class. The
14 putative class consists of thousands, likely millions, of beachgoers. It would
15 be unduly burdensome to require Plaintiffs to identify thousands of people
16 and describe all information known to each witness.

17 Responding Party further objects to this interrogatory as compound.
18 This interrogatory contains multiple impermissible subparts in violation of
19 Federal Rule of Civil Procedure 33(a)(1).

20 Responding Party further objects to this interrogatory on the grounds it
21 is vague and ambiguous as to the meaning of the term "regarding all
22 questions of law or fact."

23 Responding Party further objects to this interrogatory to the extent that
24 it seeks information that is outside of Responding Party's knowledge.

25 Responding Party further objects to the extent that this interrogatory
26 invades attorney-client privilege and/or violates the work product doctrine by
27 compelling Responding Party to disclose privileged communications and/or
28 litigation strategy. Responding Party will not provide any such information.

1 Responding Party further objects to this interrogatory as premature.
2 Because this interrogatory seeks or necessarily relies upon a contention,
3 and because this matter is in its early stages and pretrial discovery has only
4 just begun, Responding Party is unable to provide a complete response at
5 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
6 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
7 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
8 *also* Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
9 interrogatory need not be answered until designated discovery is complete,
10 or until a pretrial conference or some other time.").

11 Subject to the foregoing objections, Responding Party responds as
12 follows:

13 The putative equitable-relief class consists of thousands, and
14 potentially millions, of would-be out-of area beachgoers who have the right
15 to visit Lunada Bay under state and federal law but who are deterred due to
16 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
17 Estates Police Department's complicity. This putative class includes people
18 who have wanted to visit Lunada Bay but have never done so out of fear of
19 the beach's localized reputation and the City's complicity in unlawful
20 exclusivity. The putative class also includes those who have visited the
21 beach only to be harassed, assaulted, threatened, battered, and/or had their
22 personal items vandalized. Many class members have filed police reports,
23 only to have no action taken by the police to identify or arrest the
24 aggressor(s). Others have been dissuaded by the police from filing a report.
25 This conduct has endured for decades. The class out-of-area beachgoers is
26 a diverse group, all who seek safe beach access to Palos Verdes Estates
27 beaches and Lunada Bay regardless of where they live, and regardless of
28 their race, national origin, ethnic group identification, religion, age, sex,

1 sexual orientation, color, genetic information, disability, or income.

2 Mr. Spencer's experiences with respect to Lunada Bay exemplify
3 those experienced by the putative class, described above. As set forth in
4 the Complaint and described by Mr. Spencer during his deposition, he
5 wanted to surf at Lunada Bay since he was in his mid-teens. He was
6 prevented from doing so out of fear of the Bay Boys' aggressive,
7 exclusionary and criminal tactics, including intimidation, vandalism, and
8 Lunada Bay's well-known reputation for violence and beach localism. He
9 finally worked up the courage to surf at Lunada Bay in January 2016 with a
10 group of outsiders, but was threatened, intimidated and harassed upon his
11 arrival at Lunada Bay. He was told to leave and was almost immediately
12 placed in fear. While in the water, he was blocked from getting any waves
13 by Defendant Blakeman, who was circling around him like a shark. Mr.
14 Spencer was then assaulted and battered in the water by an individual who
15 intentionally ran him over with his surfboard, slicing Mr. Spencer's right wrist.
16 He was fearful of being further injured and was in pain, and decided to
17 leave.

18 Although Mr. Spencer had contacted the Palos Verdes Estates Police
19 Department prior to visiting Lunada Bay in January 2016, the police were not
20 present at the beach, in the water, or on the fort and therefore did not
21 witness the harassment, assault, and battery that Mr. Spencer endured. Mr.
22 Spencer's experiences are not unique in that the City has done little, if
23 anything, to address the Bay Boys' actions of exclusion.

24 Plaintiff notes that the City is in possession of information needed to
25 identify those putative class members who have filed police reports
26 pertaining to acts of aggression, intimidation, harassment, assault,
27 vandalism and battery occurring at Lunada Bay. Similarly, the City should
28 maintain records of complaints received from members of the public

1 pertaining to such conduct, but who were dissuaded from filing a police
2 report.

3 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
4 witnesses in its Supplemental Disclosures and described the information
5 within the witnesses' knowledge. Plaintiff is in the process of gathering
6 additional information and will supplement this response as necessary and
7 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
8 following individuals who may have information in support of Plaintiff's
9 claims:

10 See response to interrogatory no.1.

11 **INTERROGATORY NO. 7:**

12 For each putative class member of whom YOU are aware, DESCRIBE
13 with specificity the nature of ANY harm injury/wrongful conduct that forms
14 the basis for the inclusion of each putative class member in this ACTION,
15 including the residence of each putative class member, all persons involved,
16 the dates on which ANY harm injury/wrongful conduct occurred, the location
17 where ANY harm/injury/wrongful conduct occurred, whether said
18 harm/injury/wrongful conduct was reported to ANY law enforcement agency,
19 and if any such law enforcement report was made, the identity of each such
20 law enforcement agency.

21 **RESPONSE TO INTERROGATORY NO. 7:**

22 Responding Party objects to this interrogatory as harassing and
23 duplicative of information disclosed in Responding Party's Rule 26(a)
24 disclosures and supplemental disclosures. Propounding Party may look to
25 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
26 the information sought by this interrogatory. Moreover, Responding Party
27 had the opportunity to depose Mr. Spencer on this topic.

28 Responding Party further objects to this interrogatory in that it is

1 unduly burdensome to the extent it asks Plaintiff to identify the names of all
2 putative class member, the nature of any harm or injury sustained by each
3 putative class member, the residence of each putative class member,
4 names of any other additional witnesses, dates of any harm, location of
5 where the harm was sustained, whether the harm was reported to law
6 enforcement and if so, the identity of the law enforcement agency. The
7 putative class consists of thousands, likely millions, of beachgoers. It would
8 be unduly burdensome and likely impossible for Plaintiff to provide this
9 information.

10 Responding Party further objects to this interrogatory as compound.
11 This interrogatory contains multiple impermissible subparts in violation of
12 Federal Rule of Civil Procedure 33(a)(1).

13 Responding Party further objects to this interrogatory to the extent that
14 it seeks information that is outside of Responding Party's knowledge.

15 Responding Party further objects to the extent that this interrogatory
16 invades attorney-client privilege and/or violates the work product doctrine by
17 compelling Responding Party to disclose privileged communications and/or
18 litigation strategy. Responding Party will not provide any such information.

19 Responding Party further objects to this interrogatory as premature.
20 Because this interrogatory seeks or necessarily relies upon a contention,
21 and because this matter is in its early stages and pretrial discovery has only
22 just begun, Responding Party is unable to provide a complete response at
23 this time, nor is it required to do so. *See Kmiec v. Powerwave Techs. Inc. et*
24 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
25 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
26 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
27 interrogatory need not be answered until designated discovery is complete,
28 or until a pretrial conference or some other time.").

1 Subject to and without waiving the foregoing objections, Plaintiff
2 responds as follows:

3 Plaintiff identified 105 witnesses in its Supplemental Disclosures and
4 described the information within the witnesses' knowledge. Plaintiff is in the
5 process of gathering additional information and will supplement this
6 response as necessary and appropriate in compliance with the Federal
7 Rules. Plaintiff also identifies the following individuals who may have
8 information in support of Plaintiff's claims:

9 See response to interrogatory no.1.
10
11

12 DATED: November 29, 2016

OTTEN LAW, PC

13
14
15 By:

16 VICTOR OTTEN
17 Attorneys for Plaintiffs
18 CORY SPENCER, DIANA MILENA
19 REED, and COASTAL PROTECTION
20 RANGERS, INC.
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VERIFICATION

[Fed. R. Civ. P. 33(b)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, CORY SPENCER, state:

I am a Plaintiff in the above-titled action. I have read the foregoing
PLAINTIFF CORY SPENCER'S RESPONSES TO FIRST SET OF
INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS
VERDES ESTATES and know its contents.

The matters stated in the foregoing document are true of my own
knowledge except as to those matters which are stated on information and
belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

Executed on November 29, 2016, at 340 MAIN ST. EL SEGUNDO CA 90245
California.


CORY SPENCER

Case No. 2:16-cv-02129-SJO (RAOx)

VERIFICATION OF
CORY SPENCER'S RESP. TO CITY'S FIRST SET OF INTERROGATORIES

Exhibit 4 Page 79 of 192

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19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)
PROOF OF SERVICE

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Plaintiffs,

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROOF OF SERVICE

**Spencer, et al. v. Lunada Bay Boys, et al.; USDC, Central District of California,
Case No. 2:16-cv-02129-SJO (RAOx)**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3620 Pacific Coast Hwy, Suite 100, Torrance, CA 90505.

On November 30, 2016, I served the original of the following document(s) described as

1. **PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;**
2. **PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;**
3. **PLAINTIFF CORY SPENCER'S RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;**
4. **PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;**
5. **PLAINTIFF DIANA MILENA REED'S RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;**
6. **PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;**
7. **PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;**
8. **PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY; and**
9. **PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY.**

on the interested parties in this action as follows:

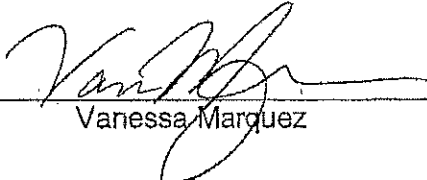
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SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Otten Law PC practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 30, 2016, Torrance, California.



Vanessa Marquez

SERVICE LIST

Spencer, et al. v. Lunada Bay Boys, et al.; USDC, Central District of California,
Case No. 2:16-cv-02129-SJO (RAOx)

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Exhibit “5”

Exhibit 5 Page 86 of 192

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18 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)
PLAINTIFF DIANA MILENA REED'S
RESPONSES TO FIRST SET OF
INTERROGATORIES PROPOUNDED
BY DEFENDANT CITY OF PALOS
VERDES ESTATES

1 Plaintiffs,

2 v.

3 LUNADA BAY BOYS; THE
4 INDIVIDUAL MEMBERS OF THE
5 LUNADA BAY BOYS, including but
6 not limited to SANG LEE, BRANT
7 BLAKEMAN, ALAN JOHNSTON
8 AKA JALIAN JOHNSTON,
9 MICHAEL RAE PAPAYANS,
10 ANGELO FERRARA, FRANK
11 FERRARA, CHARLIE FERRARA,
12 and N. F.; CITY OF PALOS
13 VERDES ESTATES; CHIEF OF
14 POLICE JEFF KEPLEY, in his
15 representative capacity; and DOES
16 1-10,

17 Defendants.

18 PROPOUNDING PARTY: Defendant CITY OF PALOS VERDES ESTATES

19 RESPONDING PARTY: Plaintiff DIANA MILENA REED

20 SET NO.: One

21 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
22 DIANA MILENA REED("Responding Party") hereby submits these
23 objections and responses to the First Set of Interrogatories propounded by
24 Defendant CITY OF PALOS VERDES ESTATES ("Propounding Party").

25 **PRELIMINARY STATEMENT**

26 Nothing in this response should be construed as an admission by
27 Responding Party with respect to the admissibility or relevance of any fact,
28 or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not
completed her investigation of the facts relating to this case, her discovery or

1 her preparation for trial. All responses and objections contained herein are
2 based only upon information that is presently available to and specifically
3 known by Responding Party. It is anticipated that further discovery,
4 independent investigation, legal research and analysis will supply additional
5 facts and add meaning to known facts, as well as establish entirely new
6 factual conclusions and legal contentions, all of which may lead to
7 substantial additions to, changes in and variations from the responses set
8 forth herein. The following objections and responses are made without
9 prejudice to Responding Party's right to produce at trial, or otherwise,
10 evidence regarding any subsequently discovered information. Responding
11 Party accordingly reserves the right to modify and amend any and all
12 responses herein as research is completed and contentions are made.

13 **RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 DESCRIBE with specificity all facts and contentions regarding all
16 objective criteria necessary to ascertain/define the number and identities of
17 putative class members as it specifically relates to YOUR claims against the
18 City, including your allegation in Paragraph 30 of the COMPLAINT that the
19 putative class is so numerous that joinder of all members is impracticable,
20 and provide the following information:

21 a. IDENTIFY all witnesses that YOU contend support YOUR
22 response to this Interrogatory, and DESCRIBE all information known by
23 each identified witness.

24 **RESPONSE TO INTERROGATORY NO. 1:**

25 Responding Party objects to this interrogatory as harassing and
26 duplicative of information disclosed in Responding Party's Rule 26(a)
27 disclosures and supplemental disclosures. Propounding Party may look to
28 Responding Party's Rule 26(a) disclosures and supplemental disclosures for

1 the information sought by this interrogatory. Moreover, Responding Party
2 had the opportunity to depose Ms. Reed on this topic.

3 Responding Party further objects to this interrogatory in that it is
4 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
5 information pertaining to the identity of the class. The putative class
6 consists of thousands, likely millions, of beachgoers. It would be unduly
7 burdensome to require Plaintiffs to identify thousands of people and
8 describe all information known to each witness.

9 Responding Party further objects to this interrogatory as compound.
10 This interrogatory contains multiple impermissible subparts in violation of
11 Federal Rule of Civil Procedure 33(a)(1).

12 Responding Party further objects to this interrogatory on the grounds it
13 is vague and ambiguous as to the meaning of the term "objective criteria
14 necessary to ascertain/define the number and identities."

15 Responding Party further objects to this interrogatory to the extent that
16 it seeks information that is outside of Responding Party's knowledge.

17 Responding Party further objects to the extent that this interrogatory
18 invades attorney-client privilege and/or violates the work product doctrine by
19 compelling Responding Party to disclose privileged communications and/or
20 litigation strategy. Responding Party will not provide any such information.

21 Responding Party further objects to this interrogatory as premature.
22 Because this interrogatory seeks or necessarily relies upon a contention,
23 and because this matter is in its early stages and pretrial discovery has only
24 just begun, Responding Party is unable to provide a complete response at
25 this, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
26 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
27 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
28 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]

1 interrogatory need not be answered until designated discovery is complete,
2 or until a pretrial conference or some other time.”).

3 Subject to the foregoing objections, Responding Party responds as
4 follows:

5 The putative equitable-relief class consists of thousands, and
6 potentially millions, of would-be out-of area beachgoers who have the right
7 to visit Lunada Bay under state and federal law but who are deterred due to
8 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
9 Estates Police Department's complicity. This putative class includes people
10 who have wanted to visit Lunada Bay but have never done so out of fear of
11 the beach's localized reputation and the City's complicity in unlawful
12 exclusivity. The putative class also includes those who have visited the
13 beach only to be harassed, assaulted, threatened, battered, and/or had their
14 personal items vandalized. Many class members have filed police reports,
15 only to have no action taken by the police to identify or arrest the
16 aggressor(s). Others have been dissuaded by the police from filing a report.
17 This conduct has endured for decades. The class out-of-area beachgoers is
18 a diverse group, all who seek safe beach access to Palos Verdes Estates
19 beaches and Lunada Bay regardless of where they live, and regardless of
20 their race, national origin, ethnic group identification, religion, age, sex,
21 sexual orientation, color, genetic information, disability, or income.

22 Next, damages associated with Plaintiff's civil rights claim against the
23 City are incidental, as Plaintiff primarily seeks equitable relief under Federal
24 Rule of Civil Procedure 23(b)(2). *Parsons v. Ryan*, 754 F.3d 657, 686 (9th
25 Cir. 2014) (FRCP 23(b)(2) is particularly appropriate for civil rights class
26 actions). Rule 23(b)(2) does not have an "ascertainability" requirement.
27 See, e.g., *Shelton v. Biedsoe*, 775 F.3d 554, 559 (3d Cir. 2015); *Bee,*
28 *Denning, Inc. v. Capital Alliance Group*, 2016 WL 3952153 at *4 (S.D. Cal.

1 July 21, 2016); *In re Yahoo Mail Litigation*, 308 F.R.D. 577, 597-598 (N.D.
2 Cal. 2015); *see also P.P. v. Compton Unified School District*, 2015 WL
3 5752770 at *23-24 (C.D. Cal. Sept. 29, 2015). Similarly, with respect to
4 numerosity, "it is well settled that a plaintiff need not allege the exact number
5 or specific identity of proposed class members." *Newberg on Class Actions*,
6 § 3:13 (5th ed.).

7 Plaintiff notes that the City is in possession of information needed to
8 identify those putative class members who have filed police reports
9 pertaining to acts of aggression, intimidation, harassment, assault,
10 vandalism and battery occurring at Lunada Bay. Similarly, the City should
11 maintain records of complaints received from members of the public
12 pertaining to such conduct, but who were dissuaded from filing a police
13 report.

14 Finally, in terms of persons that stand to benefit from the equitable
15 relief Plaintiff seeks, Plaintiff currently estimates that a class of out-of area
16 "non-local" beachgoers may include more than 23,754,141 Southern
17 California residents, which equates to the populations of Los Angeles,
18 Orange, Ventura, San Diego, Santa Barbara, San Luis Obispo, Kern, San
19 Bernardino, Riverside, and Imperial Counties combined, less the number of
20 residents of Palos Verdes Estates.

21 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
22 witnesses in its Supplemental Disclosures and described the information
23 within the witnesses' knowledge. Plaintiff is in the process of gathering
24 additional information and will supplement this response as necessary and
25 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
26 following individuals who may have information in support of Plaintiff's
27 claims:

28 1. Jim Light and Craig W. Cadwallader who Plaintiffs understand

1 were members of the Executive Committee, South Bay Chapter, Surfrider
2 Foundation, on or about 2002. Contact information for these witnesses can
3 be obtained through the general counsel of the Surfrider Foundation, Angela
4 Howe. It is anticipated that these witnesses can offer testimony regarding
5 the Surfrider Foundation's involvement and/or interaction with the City of
6 PVE and the Localism issue.

7 2. Geoff Hagins, can be contacted through Plaintiffs' counsel. It is
8 anticipated that Mr. Hagins will offer testimony on the allegations set forth in
9 the Complaint related to Defendant Lunada Bay Boys, the Individual
10 Members of the Lunada Bay Boys and the allegations related to the City and
11 Police Department. Mr. Hagins was accosted by Peter McCollum and
12 several other Bay Boys as reflected in Incident Report 95-0381. Mr. Hagins
13 will offer testimony that he informed the police that he was bringing a Ch 13
14 news crew on the day of the incident and was told "call me if you have any
15 problems." Mr. Hagins will offer testimony that he believes that Officer Blee
16 got in trouble for helping him identify the people involed in the incident. It is
17 also anticipated that Mr. Hagins will offer testimony that he made numerous
18 complaints to the City over the years regarding the treatment of outsiders by
19 the police department. As an activist, it is anticipated that Mr. Hagins will
20 offer testimony regarding surfers from outside of PVE who have reached out
21 to him regarding the allegations set forth in the Complaint.

22 3. Jason Gersch, can be contacted through Plaintiffs' counsel. It is
23 anticipated that Mr. Gersch, a resident of Lomita, will offer testimony that
24 several years ago, he and three were checking the surf at the top of Bluff
25 Cove in Palos Verdes Estates and were approached by a PVE police officer.
26 The officer asked what they were doing. Mr. Gersch responded by stating
27 "checking the surf," and the officer illegally demanded to see their driver's
28 licenses. The officer then stated "you are a long way from home" and "it's

1 getting late so you need to leave." It is anticipated that Mr. Gersch will also
2 offer testimony that after he appeared on television at a Lunada Bay protest
3 organized by Geoff Hagins in 1996, he was detained by PVE police while
4 attending a house party in Lunada Bay. He was illegally held at the police
5 station but not charged. He was released after a couple hours and told him
6 to "walk towards Torrance." He was not permitted to use a phone. Mr.
7 Gersch will also offer testimony regarding several incidents at Lunada Bay
8 involving individual members of the Lunada Bay Boys. This witness will offer
9 testimony that these events made him fearful from surfing Lunada Bay.

10 4. Ken Claypool, can be contacted through Plaintiffs' counsel. It is
11 anticipated that Mr. Claypool will testify that regarding the allegations set
12 forth in the Complaint related to Defendant Lunada Bay Boys and the
13 Individual Members of the Lunada Bay Boys. This witness will testify about
14 several incidents of harassment at Lunada Bay involving Individuals such as
15 Brant Blakeman, Joshua Bernstein and possibly one or more of the Ferraras.
16 It is anticipated that Mr. Claypool will also testify regarding the allegations
17 set forth in the Complaint related to the City including but not limited to
18 events that took place at Take Back Our Public Beaches Day -- Surf Lunada
19 Bay Peaceful Protest. This witness will offer testimony that these events
20 made him fearful from surfing Lunada Bay.

21 5. Chris Claypool, can be contacted through Plaintiffs' counsel. It is
22 anticipated that Mr. Claypool will testify regarding the allegations set forth in
23 the Complaint related to Defendant Lunada Bay Boys and the Individual
24 Members of the Lunada Bay Boys. This witness will testify about several
25 incidents of harassment at Lunada Bay involving Individuals such as Brant
26 Blakeman, Joshua Bernstein and possibly one or more of the Ferraras. It is
27 anticipated that this witness will offer testimony that these events made him
28 fearful from surfing Lunada Bay.

1 6. Jordan Wright, can be contacted through Plaintiffs' counsel. Mr.
2 Wright is expected to testify regarding several incidents that he has had with
3 Individual members of the Lunada Bay Boys over the 2 – 3 years that he has
4 attempted surf the break, including but not limited to the following: (a) being
5 assaulted on January 29, 2016 by David Melo, (b) February 13, 2016
6 incident with Plaintiff Diana Reed, (c) other incidents when he attempted to
7 surf Lunada Bay. It is anticipated that Mr. Wright will also testify regarding
8 his interactions with the City. It is anticipated that this witness will offer
9 testimony that these events made him fearful from surfing Lunada Bay.

10 7. Christopher Taloa, can be contacted through Plaintiffs' counsel.
11 Mr. Taloa is expected to testify regarding the allegations set forth in the
12 Complaint related to Defendant Lunada Bay Boys and the Individual
13 Members of the Lunada Bay Boys. In addition, it is anticipated that Mr. Taloa
14 will testify regarding the allegations set forth in the Complaint related to the
15 City. Mr. Taloa was actively involved in the MLK Peaceful Paddle Out at
16 Lunada Bay, and is anticipated to offer testimony regarding PVE's reputation
17 for localism.

18 8. Daniel Dorn, can be contacted through Plaintiffs' counsel. Mr.
19 Dorn will testify that he is a semiprofessional body boarder from Redondo
20 Beach. Mr. Dorn never surfed Lunada Bay because of it's reputation for
21 localism. Mr. Dorn will testify that he attended one of Mr. Taloa's surfing
22 events at Lunada Bay because he felt it would be safe. Even though police
23 where present, the police would not tell him if it was safe to surf. Upon
24 entering the water, Mr. Dorn was assailed by profanities and threats. It is
25 anticipated that Mr. Dorn will testify that a Bay Boy in a kayak told him to
26 leave and threatened him. It is anticipated that Dorn will testify that Individual
27 Bay Boys dropped in on him and tried to run him over with their surfboards
28 until he left. It is anticipated that his witness will offer testimony that these

1 events made him fearful from surfing Lunada Bay.

2 9. John MacHarg, can be contacted through Plaintiffs' counsel. It is
3 anticipated that Mr. MacHarg will offer testimony on the allegations set forth
4 in the Complaint related to Defendant Lunada Bay Boys and the Individual
5 Members of the Lunada Bay Boys and the allegations related to the City and
6 Police Department. It is anticipated that Mr. MacHard will testify that while
7 visiting Lunada Bay on January 29, 2016, he was standing just under the
8 patio on the rocks and Defendant Sang Lee (local surfer/enforcer) who was
9 standing on top of the patio poured out a portion of the beer he was holding
10 on to his head. This happened right in front two officers that were standing 6
11 feet to his right. It is anticipated that Mr. MacHard will testify that he sent
12 emails to Chief Kepley and/or Mark Valez on 1-29-16 and 2-1-16 re the
13 incident with Sang Lee and the alcohol consumption problem at Lunada
14 Bay. It is anticipated that Mr. MacHard will testify regarding several incidents
15 involving individual Bay Boys and that it appears that the City is still
16 permitting the locals to drink alcohol at the bluff and on the beach.

17 10. Andy MacHarg, can be contacted through Plaintiffs' counsel. It is
18 anticipated that this witness will offer testimony on the allegations set forth in
19 the Complaint related to Defendant Lunada Bay Boys and the Individual
20 Members of the Lunada Bay Boys. It is further anticipated that this witness
21 will offer testimony that the conduct of the Bay Boys as alleged in the
22 Complaint caused him to stop visiting and/or surfing Lunada Bay. The
23 constant harassment made this witnesses stop surfing Lunada Bay.

24 11. Tom Wolley, can be contacted through Plaintiffs' counsel. It is
25 anticipated that Mr. Wolley will testify that on the allegations set forth in the
26 Complaint related to Defendant Lunada Bay Boys and the Individual
27 Members of the Lunada Bay Boys. This witness will testify about several
28 incidents of harassment at Lunada Bay involving Individuals such as Brant

1 Blakeman and Joshua Berstein. It is anticipated that Mr. Wolley will also
2 testify that on the allegations set forth in the Complaint related to the City. It
3 is anticipated that his witness will offer testimony that these events made
4 him fearful from surfing Lunada Bay.

5 12. Tim Tindall, can be contacted through Plaintiffs' counsel, on the
6 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
7 and the Individual Members of the Lunada Bay Boys. It is anticipated that
8 Mr. Tindell will testify about being harassed while attempting to body board
9 Wally's. It is anticipated that his witness will offer testimony that these events
10 made him fearful from surfing Lunada Bay.

11 13. John Innis, can be contracted through Plaintiffs' counsel. It is
12 anticipated that this witness will offer testimony regarding the allegations set
13 forth in the Complaint related to Defendant Lunada Bay Boys, the Individual
14 Members of the Lunada Bay Boys and the allegations related to the City.
15 This witness will testify that while trying to take photographs at Lunada Bay,
16 he was harassed by several individuals. He made a police report but nothing
17 came of it.

18 14. Gavin Heaney, can be contacted through Plaintiffs' counsel. It is
19 anticipated that Mr. Heaney will testify that he was denied entrance to
20 Lunada Bay on top of the bluff while attempting to surf there by six or more
21 Bay Boys who threatened him with violence and damage to his property if he
22 went down the trail. Fearing for his safety, he quickly left the area.

23 15. Tyler Canali, can be contacted through Plaintiffs' counsel. It is
24 anticipated that Mr. Canali will testify that he is not from Palos Verdes
25 Estates. He will testify that was seriously hassled when he surfed Lunada
26 Bay. It is anticipated that he will testify that the Individual Bay Boys
27 surrounded him in the water to intimidate him, dropped in on his waves,
28 harassed and intimidated him until he left.

1 16. Jimmy Conn, can be contacted through Plaintiffs' counsel. It is
2 anticipated that Mr. will testify that he started surfing Lunada Bay around
3 1976. Mr. Conn will testify that even when the surf was too big for the locals
4 to be in the water, they would still threaten, harass and throw rocks at him.
5 On one occasion, he was hit by a rock and needed 17 stiches in his lip. He
6 still has the scar.

7 17. Mike Bernard, contact information unknown, on the allegations
8 set forth in the Complaint related to Defendant Lunada Bay Boys and the
9 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
10 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
11 accosted by Peter McCollum and several other Bay Boys as reflected in
12 Incident Report 95-0381. It is anticipated that this witness will offer testimony
13 on the way the City handled the circumstances before and after the incident
14 described in Report 95-0381.

15 18. Mike Bernard, Jr. contact information unknown, on the
16 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
17 and the Individual Members of the Lunada Bay Boys. Geoff Hagins, John
18 Hagin, Mike Bernard, Mike Bernard, Jr., Charlie Rigano and Doug Disanti
19 were accosted by Peter McCollum and several other Bay Boys as reflected
20 in Incident Report 95-0381.

21 19. Charlie Rigano, contact information unknown, on the allegations
22 set forth in the Complaint related to Defendant Lunada Bay Boys and the
23 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
24 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
25 accosted by Peter McCollum and several other Bay Boys as reflected in
26 Incident Report 95-0381.

27 20. Doug Disanti, contact information unknown, on the allegations
28 set forth in the Complaint related to Defendant Lunada Bay Boys and the

1 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
2 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
3 accosted by Peter McCollum and several other Bay Boys as reflected in
4 Incident Report 95-0381.

5 21. Jen L. Belcastro, Propounding party has this witnesses contact
6 information. It is anticipated that Ms. Belcastro will offer testimony regarding
7 the events she witnessed and are recorded by the officers in Report for
8 Incident 16-02164 and the City's handling of investigation. It is anticipated
9 that this witness will offer the following testimony: 1) confirm that other than
10 being called the day of the incident and refusing to make a statement to the
11 police on that day, she was not contacted by the police again until on or
12 about April 13, 2016 – approximately three months after the incident; 2) the
13 report does not accurately reflect what happened at the patio structure.

14 22. Kurt Stanphenhorst, contact information unknown, on the
15 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
16 and the Individual Members of the Lunada Bay Boys. It is anticipated that
17 this witness will testify that got shot at with a pellet gun by an Individual Bay
18 Boy.

19 23. Randy Clark, contact information unknown, on the allegations set
20 forth in the Complaint related to Defendant Lunada Bay Boys and the
21 Individual Members of the Lunada Bay Boys.

22 24. Trish Laurie, contact information unknown. It is anticipated that
23 Ms. Laurie will testify that she was sexually harassed/assaulted at Lunada
24 Bay. It is anticipated that she will say that certain individuals dropped
25 "dropped their towels and jerked off to her." Ms. Laurie is being listed as a
26 possible percipient witness.

27 25. Tom Wilson, contact information unknown, on the allegations set
28 forth in the Complaint related to Defendant Lunada Bay Boys and the

1 Individual Members of the Lunada Bay Boys.

2 26. Martin Tueling, contact information unknown, on the allegations
3 set forth in the Complaint related to Defendant Lunada Bay Boys and the
4 Individual Members of the Lunada Bay Boys.

5 27. Bernie Mann, contact information unknown, on the allegations
6 set forth in the Complaint related to Defendant Lunada Bay Boys and the
7 Individual Members of the Lunada Bay Boys.

8 28. Dr. Stephen Young, can be contacted through Plaintiffs' counsel.
9 It is anticipated that Dr. Stephen Young will testify that while attending
10 Medical school he tried many times to enjoy the break at Lunada Bay and on
11 every occasion, he was bullied to the point he would have to leave the area.
12 It is anticipated that he will tesify that his vehicle was damaged many times
13 which included slashed tires, scratches on the painted surfaces and broken
14 windows. He will testify that there was a few occasions that he feared for my
15 life. He will state that he filed a police report but nothing was done.

16 29. Hagan Kelly, contact information unknown, on the allegations set
17 forth in the Complaint related to Defendant Lunada Bay Boys and the
18 Individual Members of the Lunada Bay Boys.

19 30. Sef Krell, may be contacted through Plaintiffs' counsel. It is
20 anticipated that Mr. Kress will testify on the allegations set forth in the
21 Complaint related to Defendant Lunada Bay Boys and the Individual
22 Members of the Lunada Bay Boys and the allegations related to the City of
23 Palos Verdes Estates. Specifically, related to the incident that occurred on or
24 around November 15, 2014.

25 31. Alan Haven, can be contacted through Plaintiffs' counsel, on the
26 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
27 and the Individual Members of the Lunada Bay Boys. Mr. Haven is a
28 resident of Palos Verdes Estates and will testify regarding the video of an

1 assault that he took on October 10, 2015.

2 32. Daniel R. Jongeward, can be contacted through Plaintiffs'
3 counsel. It anticipated this witness will offer testimony related to Defendant
4 Lunada Bay Boys and the Individual Members of the Lunada Bay Boys.
5 Specifically, it is anticipated that Mr. Jongeward will testify that: (a) he is not
6 a resident of Palos Verdes Estates, (b) he was a big surfer but rides
7 longboards and guns, (c) he has attempted to surf Lunada Bay on several
8 occasions. Because of the reputation, he went alone and early in the
9 morning. He has had dirt clogs and rocks thrown at him. He has been
10 physically threatened. People threatened to vandalize his car. Because he
11 believes that the Lunada Bay Boys have the ability to physically harm him
12 and his property he made the decision not to return.

13 33. Patrick Landon, contact information unknown, on the allegations
14 set forth in the Complaint related to Defendant Lunada Bay Boys and the
15 Individual Members of the Lunada Bay Boys.

16 34. Frank Netto, can be contacted through Plaintiffs' counsel, on the
17 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
18 and the Individual Members of the Lunada Bay Boys.

19 35. Sharlean Perez, can be contacted through Plaintiffs' counsel, on
20 the allegations set forth in the Complaint related to Defendant Lunada Bay
21 Boys and the Individual Members of the Lunada Bay Boys. It is anticipated
22 that this witness will testify that she and her boyfriend tried to hike down the
23 trail to Lunada Bay and people started throwing glass bottles "near" and
24 "around" them. She and her boyfriend at the time were not from PVE.

25 36. Charles Michael Pinkerton, can be contacted through Plaintiffs'
26 counsel, on the allegations set forth in the Complaint related to Defendant
27 Lunada Bay Boys and the Individual Members of the Lunada Bay Boys. It is
28 anticipated that Mr. Pinkerton will testify that he is an aerospace engineer

1 with a Masters Degree that he has made several attempts to surf Lunada
2 Bay. He will state that he has been harassed (verbal harassments, threats of
3 violence, to throw things in the water). He has had all four tires flattened, his
4 windows waxed; his backpack thrown in the water while he was out surfing.

5 37. Mike Purpus, contact information unknown, on the allegations
6 set forth in the Complaint related to Defendant Lunada Bay Boys and the
7 Individual Members of The Lunada Bay Boys. This witness is a former
8 professional surfer who has written articles about localism at Lunada Bay
9 and is listed as a possible percipient witness.

10 38. Mike Stevens, Los Angeles County District Attorney's Office, 210
11 West Temple Street, Los Angeles, CA 90012, on the allegations set forth in
12 the Complaint related to Defendant Lunada Bay Boys and the Individual
13 Members of the Lunada Bay Boys. Plaintiffs have been informed that Mr.
14 Stevens is an investigator with the Los Angeles District Attorney's Office and
15 that he was hassled by the Bay Boys when attempting to surf Lunada Bay.
16 Neither Plaintiffs nor their attorneys have spoken directly with Mr. Stevens.
17 He is listed as a possible percipient witness.

18 39. Rory Carroll, contact information unknown, on the allegations set
19 forth in the Complaint related to Defendant Lunada Bay Boys and the
20 Individual Members of the Lunada Bay Boys. Specifically, Mr. Carroll is
21 expected to testify regarding the contents of the
22 video: [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
23 [wars-lunada-bay-localism-video](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video).

24 40. Noah Smith, contact information unknown, on the allegations set
25 forth in the Complaint related to Defendant Lunada Bay Boys and the
26 Individual Members of the Lunada Bay Boys. Specifically, Mr. Carroll is
27 expected to testify regarding the contents of the video:
28 <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars->

1 lunada-bay-localism-video.

2 41. Karl Willert, can be contacted through Plaintiffs' counsel. It is
3 anticipated that this witness will offer testimony on the allegations set forth in
4 the Complaint related to Defendant Lunada Bay Boys and the Individual
5 Members of the Lunada Bay Boys and the City.

6 42. Jose Barahona, can be contacted through Plaintiffs' counsel. It is
7 anticipated that this witness will offer testimony on the allegations set forth in
8 the Complaint related to Defendant Lunada Bay Boys and the Individual
9 Members of the Lunada Bay Boys and the City.

10 **INTERROGATORY NO. 2:**

11 DESCRIBE and explain with specificity all facts and contentions YOU
12 assert regarding all questions of law or fact—if any that YOU contend are
13 common to the putative class (as that term is defined by Fed. R. Civ. P. 23
14 (a)(2)) as specifically related to YOUR claims against the City, and provide
15 the following information:

16 a. IDENTIFY all witnesses that YOU contend support YOUR
17 response to this Interrogatory, and DESCRIBE all information known by
18 each identified witness.

19 **RESPONSE TO INTERROGATORY NO. 2:**

20 Responding Party objects to this interrogatory as harassing and
21 duplicative of information disclosed in Responding Party's Rule 26(a)
22 disclosures and supplemental disclosures. Propounding Party may look to
23 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
24 the information sought by this interrogatory. Moreover, Responding Party
25 had the opportunity to depose Ms. Reed on this topic.

26 Responding Party further objects to this interrogatory in that it is
27 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
28 information pertaining to issues of law or fact common to the class. The

1 putative class consists of thousands, likely millions, of beachgoers. It would
2 be unduly burdensome to require Plaintiffs to identify thousands of people
3 and describe all information known to each witness.

4 Responding Party further objects to this interrogatory as compound.
5 This interrogatory contains multiple impermissible subparts in violation of
6 Federal Rule of Civil Procedure 33(a)(1).

7 Responding Party further objects to this interrogatory on the grounds it
8 is vague and ambiguous as to the meaning of the term "regarding all
9 questions of law or fact."

10 Responding Party further objects to this interrogatory to the extent that
11 it seeks information that is outside of Responding Party's knowledge.

12 Responding Party further objects to the extent that this interrogatory
13 invades attorney-client privilege and/or violates the work product doctrine by
14 compelling Responding Party to disclose privileged communications and/or
15 litigation strategy. Responding Party will not provide any such information.

16 Responding Party further objects to this interrogatory as premature.
17 Because this interrogatory seeks or necessarily relies upon a contention,
18 and because this matter is in its early stages and pretrial discovery has only
19 just begun, Responding Party is unable to provide a complete response at
20 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
21 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
22 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
23 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
24 interrogatory need not be answered until designated discovery is complete,
25 or until a pretrial conference or some other time.").

26 Subject to the foregoing objections, Responding Party responds as
27 follows:

28 The putative equitable-relief class consists of thousands, and

1 potentially millions, of would-be out-of area beachgoers who have the right
2 to visit Lunada Bay under state and federal law but who are deterred due to
3 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
4 Estates Police Department's complicity. This putative class includes people
5 who have wanted to visit Lunada Bay but have never done so out of fear of
6 the beach's localized reputation and the City's complicity in unlawful
7 exclusivity. The putative class also includes those who have visited the
8 beach only to be harassed, assaulted, threatened, battered, and/or had their
9 personal items vandalized. Many class members have filed police reports,
10 only to have no action taken by the police to identify or arrest the
11 aggressor(s). Others have been dissuaded by the police from filing a report.
12 This conduct has endured for decades. The class out-of-area beachgoers is
13 a diverse group, all who seek safe beach access to Palos Verdes Estates
14 beaches and Lunada Bay regardless of where they live, and regardless of
15 their race, national origin, ethnic group identification, religion, age, sex,
16 sexual orientation, color, genetic information, disability, or income.

17 Ms. Reed's experiences with respect to Lunada Bay exemplify those
18 experienced by the putative class, described above. As set forth in the
19 Complaint and described by Ms. Reed during her deposition, she wanted to
20 surf at Lunada Bay since approximately December 2014 but was dissuaded
21 from surfing there having heard of incidents of localism. On or about
22 January 29, 2016, she decided to surf at Lunada Bay with a group of
23 outsiders despite her concerns of experiencing localism. As soon as she
24 arrived on the bluffs at Lunada Bay on or about January 29, 2016, she
25 began experiencing harassment. Bay Boys drove past her after she and her
26 friend, Jordan Wright, had parked their car, and yelled at them, told them
27 they couldn't surf there, and called them "kooks." Other Bay Boys were
28 recording Plaintiff and Mr. Wright while they were on the bluff.

1 Once she made her way down from the bluffs to the beach, a Bay Boy
2 screamed at Plaintiff, calling her a "whore." Plaintiff was very frightened and
3 had never before been yelled at in that manner. The man walked away
4 briefly and returned to continue yelling at Plaintiff. Palos Verdes Estates
5 Police officers were present nearby and witnessed this incident. The police
6 finally approached Plaintiff, who indicated that she wanted to file a police
7 report. The police detained the suspect but ultimately released him without
8 arresting him because they claimed they did not hear what he had yelled at
9 Plaintiff. The police told Plaintiff she could make a citizen's arrest but
10 dissuaded her from doing so by telling her that she would be at risk of being
11 sued because people at Lunada Bay are wealthy and can hire good lawyers
12 to sue Plaintiff.

13 On or about February 13, 2016, Ms. Reed returned to Lunada Bay with
14 Mr. Wright to photograph Mr. Wright as he surfed. She had asked for a
15 police escort down to the beach that day but the police did not fulfill her
16 request. As Plaintiff and Mr. Wright walked down from the bluff to the
17 beach, they were confronted by two individuals who attempted to block the
18 pathway and told Plaintiff and Wright that "they were done." After making
19 their way down to the beach, Plaintiff and Wright were again confronted with
20 hostile individuals yelling at them. Plaintiff made her way to the rock fort and
21 was approached by Defendants Brant Blakeman and Alan Johnston who
22 were carrying a case of beer and video recording Plaintiff. Plaintiff was very
23 intimidated and felt harassed as Defendant Blakeman held a camera very
24 close to her face. Defendant Johnston deliberately sprayed a can of beer on
25 Plaintiff's arm and camera. Defendant Johnston acted in a very aggressive,
26 intimidating, and sexually lewd and suggestive manner. Plaintiff was initially
27 unable to exit the fort as she was frozen with fear. Plaintiff attempted to call
28 the police but did not have cell reception.

1 Plaintiff eventually made her way out of the rock fort, up the hill and
2 back to the top of the bluff. She was in tears. She saw a police car parked
3 at the top of the bluff and approached the car. She spoke with an officer and
4 explained what happened. Thereafter she was escorted back down the hill
5 to attempt to identify the aggressors. When she approached the fort, the
6 police greeted one of the Bay Boys who was present in the fort at the time,
7 Charlie Ferrara.

8 Immediately following the incident on February 13, 2016, Plaintiff was
9 also told by the police that it would not be difficult to identify the aggressors
10 because the police keep a photo book of the Bay Boys and they know who
11 frequent the area. But after the incident, the police did not follow up to
12 permit Plaintiff to identify the perpetrators. Instead, Plaintiff called the police
13 numerous times to set up a time to identify the perpetrators. After engaging
14 counsel, Plaintiff was finally permitted to identify Defendant Johnston in a
15 photo lineup.

16 A police officer with the Palos Verdes Estates Police Department also
17 asked Plaintiff why she would want to go back to Lunada Bay because it is
18 not safe. This same officer also asked Plaintiff why a woman would want to
19 go to a rocky beach.

20 Ms. Reed's experiences are not unique in that the City has done little,
21 if anything, to address the Bay Boys' actions of exclusion, and has actually
22 discouraged her attempts to access the beach.

23 Plaintiff notes that the City is in possession of information needed to
24 identify those putative class members who have filed police reports
25 pertaining to acts of aggression, intimidation, harassment, assault,
26 vandalism and battery occurring at Lunada Bay. Similarly, the City should
27 maintain records of complaints received from members of the public
28 pertaining to such conduct, but who were dissuaded from filing a police

1 report.

2 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
3 witnesses in its Supplemental Disclosures and described the information
4 within the witnesses' knowledge. Plaintiff is in the process of gathering
5 additional information and will supplement this response as necessary and
6 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
7 following individuals who may have information in support of Plaintiff's
8 claims:

9 See response to interrogatory no. 1.

10 **INTERROGATORY NO. 3:**

11 DESCRIBE and explain with specificity all facts and contentions YOU
12 assert regarding why the CLASS REPRESENTATIVES' Third Cause of
13 Action—42 U.S.C. § 1983—Equal Protection asserted against the City is
14 "typical" (as that term is defined by Fed. R. Civ. P. (a)(3)) of each member of
15 the putative class as specifically related to YOUR claims against the City,
16 and provide the following information:

17 a. IDENTIFY all witnesses that YOU contend support YOUR
18 response to this Interrogatory, and DESCRIBE all information known by
19 each identified witness.

20 **RESPONSE TO INTERROGATORY NO. 3:**

21 Responding Party objects to this interrogatory as harassing and
22 duplicative of information disclosed in Responding Party's Rule 26(a)
23 disclosures and supplemental disclosures. Propounding Party may look to
24 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
25 the information sought by this interrogatory. Moreover, Responding Party
26 had the opportunity to depose Ms. Reed on this topic.

27 Responding Party further objects to this interrogatory in that it is
28 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with

1 information pertaining to issues of law or fact common to the class. The
2 putative class consists of thousands, likely millions, of beachgoers. It would
3 be unduly burdensome to require Plaintiffs to identify thousands of people
4 and describe all information known to each witness.

5 Responding Party further objects to this interrogatory as compound.
6 This interrogatory contains multiple impermissible subparts in violation of
7 Federal Rule of Civil Procedure 33(a)(1).

8 Responding Party further objects to this interrogatory to the extent that
9 it seeks information that is outside of Responding Party's knowledge.

10 Responding Party further objects to the extent that this interrogatory
11 invades attorney-client privilege and/or violates the work product doctrine by
12 compelling Responding Party to disclose privileged communications and/or
13 litigation strategy. Responding Party will not provide any such information.

14 Responding Party further objects to this interrogatory as premature.
15 Because this interrogatory seeks or necessarily relies upon a contention,
16 and because this matter is in its early stages and pretrial discovery has only
17 just begun, Responding Party is unable to provide a complete response at
18 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
19 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
20 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
21 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
22 interrogatory need not be answered until designated discovery is complete,
23 or until a pretrial conference or some other time.").

24 Subject to the foregoing objections, Responding Party responds as
25 follows:

26 The putative equitable-relief class consists of thousands, and
27 potentially millions, of would-be out-of area beachgoers who have the right
28 to visit Lunada Bay under state and federal law but who are deterred due to

1 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
2 Estates Police Department's complicity. This putative class includes people
3 who have wanted to visit Lunada Bay but have never done so out of fear of
4 the beach's localized reputation and the City's complicity in unlawful
5 exclusivity. The putative class also includes those who have visited the
6 beach only to be harassed, assaulted, threatened, battered, and/or had their
7 personal items vandalized. Many class members have filed police reports,
8 only to have no action taken by the police to identify or arrest the
9 aggressor(s). Others have been dissuaded by the police from filing a report.
10 This conduct has endured for decades. The class out-of-area beachgoers is
11 a diverse group, all who seek safe beach access to Palos Verdes Estates
12 beaches and Lunada Bay regardless of where they live, and regardless of
13 their race, national origin, ethnic group identification, religion, age, sex,
14 sexual orientation, color, genetic information, disability, or income.

15 Ms. Reed's experiences with respect to Lunada Bay exemplify those
16 experienced by the putative class, described above. As set forth in the
17 Complaint and described by Ms. Reed during her deposition, she wanted to
18 surf at Lunada Bay since approximately December 2014 but was dissuaded
19 from surfing there having heard of incidents of localism. On or about
20 January 29, 2016, she decided to surf at Lunada Bay with a group of
21 outsiders despite her concerns of experiencing localism. As soon as she
22 arrived on the bluffs at Lunada Bay on or about January 29, 2016, she
23 began experiencing harassment. Bay Boys drove past her after she and her
24 friend, Jordan Wright, had parked their car, and yelled at them, told them
25 they couldn't surf there, and called them "kooks." Other Bay Boys were
26 recording Plaintiff and Mr. Wright while they were on the bluff.

27 Once she made her way down from the bluffs to the beach, a Bay Boy
28 screamed at Plaintiff, calling her a "whore." Plaintiff was very frightened and

1 had never before been yelled at in that manner. The man walked away
2 briefly and returned to continue yelling at Plaintiff. Palos Verdes Estates
3 Police officers were present nearby and witnessed this incident. The police
4 finally approached Plaintiff, who indicated that she wanted to file a police
5 report. The police detained the suspect but ultimately released him without
6 arresting him because they claimed they did not hear what he had yelled at
7 Plaintiff. The police told Plaintiff she could make a citizen's arrest but
8 dissuaded her from doing so by telling her that she would be at risk of being
9 sued because people at Lunada Bay are wealthy and can hire good lawyers
10 to sue Plaintiff.

11 On or about February 13, 2016, Ms. Reed returned to Lunada Bay with
12 Mr. Wright to photograph Mr. Wright as he surfed. She had asked for a
13 police escort down to the beach that day but the police did not fulfill her
14 request. As Plaintiff and Mr. Wright walked down from the bluff to the
15 beach, they were confronted by two individuals who attempted to block the
16 pathway and told Plaintiff and Wright that "they were done." After making
17 their way down to the beach, Plaintiff and Wright were again confronted with
18 hostile individuals yelling at them. Plaintiff made her way to the rock fort and
19 was approached by Defendants Brant Blakeman and Alan Johnston who
20 were carrying a case of beer and video recording Plaintiff. Plaintiff was very
21 intimidated and felt harassed as Defendant Blakeman held a camera very
22 close to her face. Defendant Johnston deliberately sprayed a can of beer on
23 Plaintiff's arm and camera. Defendant Johnston acted in a very aggressive,
24 intimidating, and sexually lewd and suggestive manner. Plaintiff was initially
25 unable to exit the fort as she was frozen with fear. Plaintiff attempted to call
26 the police but did not have cell reception.

27 Plaintiff eventually made her way out of the rock fort, up the hill and
28 back to the top of the bluff. She was in tears. She saw a police car parked

1 at the top of the bluff and approached the car. She spoke with an officer and
2 explained what happened. Thereafter she was escorted back down the hill
3 to attempt to identify the aggressors. When she approached the fort, the
4 police greeted one of the Bay Boys who was present in the fort at the time,
5 Charlie Ferrara.

6 Immediately following the incident on February 13, 2016, Plaintiff was
7 also told by the police that it would not be difficult to identify the aggressors
8 because the police keep a photo book of the Bay Boys and they know who
9 frequent the area. But after the incident, the police did not follow up to
10 permit Plaintiff to identify the perpetrators. Instead, Plaintiff called the police
11 numerous times to set up a time to identify the perpetrators. After engaging
12 counsel, Plaintiff was finally permitted to identify Defendant Johnston in a
13 photo lineup.

14 A police officer with the Palos Verdes Estates Police Department also
15 asked Plaintiff why she would want to go back to Lunada Bay because it is
16 not safe. This same officer also asked Plaintiff why a woman would want to
17 go to a rocky beach.

18 Ms. Reed's experiences are not unique in that the City has done little,
19 if anything, to address the Bay Boys' actions of exclusion.

20 Plaintiff notes that the City is in possession of information needed to
21 identify those putative class members who have filed police reports
22 pertaining to acts of aggression, intimidation, harassment, assault,
23 vandalism and battery occurring at Lunada Bay. Similarly, the City should
24 maintain records of complaints received from members of the public
25 pertaining to such conduct, but who were dissuaded from filing a police
26 report.

27 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
28 witnesses in its Supplemental Disclosures and described the information

1 within the witnesses' knowledge. Plaintiff is in the process of gathering
2 additional information and will supplement this response as necessary and
3 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
4 following individuals who may have information in support of Plaintiff's
5 claims:

6 See response to interrogatory no. 1

7 **INTERROGATORY NO. 4:**

8 DESCRIBE and explain with specificity all facts and contentions YOU
9 assert regarding why the CLASS REPRESENTATIVES can "fairly and
10 adequately" (as that term is defined by Fed. R. Civ. P. 23(a)(4)) protect the
11 interests of the putative class as specifically related to YOUR claims against
12 the City, and provide the following information:

13 a. IDENTIFY all witnesses that YOU contend support YOUR
14 response to this Interrogatory, and DESCRIBE all information known by
15 each identified witness.

16 **RESPONSE TO INTERROGATORY NO. 4:**

17 Responding Party objects to this interrogatory as harassing and
18 duplicative of information disclosed in Responding Party's Rule 26(a)
19 disclosures and supplemental disclosures. Propounding Party may look to
20 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
21 the information sought by this interrogatory. Moreover, Responding Party
22 had the opportunity to depose Ms. Reed on this topic.

23 Responding Party further objects to this interrogatory in that it is
24 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
25 information pertaining to issues of law or fact common to the class. The
26 putative class consists of thousands, likely millions, of beachgoers. It would
27 be unduly burdensome to require Plaintiffs to identify thousands of people
28 and describe all information known to each witness.

1 Responding Party further objects to this interrogatory as compound.
2 This interrogatory contains multiple impermissible subparts in violation of
3 Federal Rule of Civil Procedure 33(a)(1).

4 Responding Party further objects to this interrogatory to the extent that
5 it seeks information that is outside of Responding Party's knowledge.

6 Responding Party further objects to the extent that this interrogatory
7 invades attorney-client privilege and/or violates the work product doctrine by
8 compelling Responding Party to disclose privileged communications and/or
9 litigation strategy. Responding Party will not provide any such information.

10 Responding Party further objects to this interrogatory as premature.
11 Because this interrogatory seeks or necessarily relies upon a contention,
12 and because this matter is in its early stages and pretrial discovery has only
13 just begun, Responding Party is unable to provide a complete response at
14 this time, nor is it required to do so. *See Kmiec v. Powerwave Techs. Inc. et*
15 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
16 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
17 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
18 interrogatory need not be answered until designated discovery is complete,
19 or until a pretrial conference or some other time.").

20 Subject to the foregoing objections, Responding Party responds as
21 follows:

22 The putative equitable-relief class consists of thousands, and
23 potentially millions, of would-be out-of area beachgoers who have the right
24 to visit Lunada Bay under state and federal law but who are deterred due to
25 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
26 Estates Police Department's complicity. This putative class includes people
27 who have wanted to visit Lunada Bay but have never done so out of fear of
28 the beach's localized reputation and the City's complicity in unlawful

1 exclusivity. The putative class also includes those who have visited the
2 beach only to be harassed, assaulted, threatened, battered, and/or had their
3 personal items vandalized. Many class members have filed police reports,
4 only to have no action taken by the police to identify or arrest the
5 aggressor(s). Others have been dissuaded by the police from filing a report.
6 This conduct has endured for decades. The class out-of-area beachgoers is
7 a diverse group, all who seek safe beach access to Palos Verdes Estates
8 beaches and Lunada Bay regardless of where they live, and regardless of
9 their race, national origin, ethnic group identification, religion, age, sex,
10 sexual orientation, color, genetic information, disability, or income.

11 Plaintiff is unaware of any conflicts of interest that either she or her
12 counsel may have with other class members and intends to (and has)
13 vigorously prosecute this case on behalf of other putative class members.
14 Additionally, Plaintiff's experiences with respect to Lunada Bay exemplify
15 those of many – if not most – putative class members and demonstrate a
16 sharing of interest.

17 As set forth in the Complaint and described by Ms. Reed during her
18 deposition, she wanted to surf at Lunada Bay since approximately
19 December 2014 but was dissuaded from surfing there having heard of
20 incidents of localism. On or about January 29, 2016, she decided to surf at
21 Lunada Bay with a group of outsiders despite her concerns of experiencing
22 localism. As soon as she arrived on the bluffs at Lunada Bay on or about
23 January 29, 2016, she began experiencing harassment. Bay Boys drove
24 past her after she and her friend, Jordan Wright, had parked their car, and
25 yelled at them, told them they couldn't surf there, and called them "kooks."
26 Other Bay Boys were recording Plaintiff and Mr. Wright while they were on
27 the bluff.

28 Once she made her way down from the bluffs to the beach, a Bay Boy

1 screamed at Plaintiff, calling her a "whore." Plaintiff was very frightened and
2 had never before been yelled at in that manner. The man walked away
3 briefly and returned to continue yelling at Plaintiff. Palos Verdes Estates
4 Police officers were present nearby and witnessed this incident. The police
5 finally approached Plaintiff, who indicated that she wanted to file a police
6 report. The police detained the suspect but ultimately released him without
7 arresting him because they claimed they did not hear what he had yelled at
8 Plaintiff. The police told Plaintiff she could make a citizen's arrest but
9 dissuaded her from doing so by telling her that she would be at risk of being
10 sued because people at Lunada Bay are wealthy and can hire good lawyers
11 to sue Plaintiff.

12 On or about February 13, 2016, Ms. Reed returned to Lunada Bay with
13 Mr. Wright to photograph Mr. Wright as he surfed. She had asked for a
14 police escort down to the beach that day but the police did not fulfill her
15 request. As Plaintiff and Mr. Wright walked down from the bluff to the
16 beach, they were confronted by two individuals who attempted to block the
17 pathway and told Plaintiff and Wright that "they were done." After making
18 their way down to the beach, Plaintiff and Wright were again confronted with
19 hostile individuals yelling at them. Plaintiff made her way to the rock fort and
20 was approached by Defendants Brant Blakeman and Alan Johnston who
21 were carrying a case of beer and video recording Plaintiff. Plaintiff was very
22 intimidated and felt harassed as Defendant Blakeman held a camera very
23 close to her face. Defendant Johnston deliberately sprayed a can of beer on
24 Plaintiff's arm and camera. Defendant Johnston acted in a very aggressive,
25 intimidating, and sexually lewd and suggestive manner. Plaintiff was initially
26 unable to exit the fort as she was frozen with fear. Plaintiff attempted to call
27 the police but did not have cell reception.

28 Plaintiff eventually made her way out of the rock fort, up the hill and

1 back to the top of the bluff. She was in tears. She saw a police car parked
2 at the top of the bluff and approached the car. She spoke with an officer and
3 explained what happened. Thereafter she was escorted back down the hill
4 to attempt to identify the aggressors. When she approached the fort, the
5 police greeted one of the Bay Boys who was present in the fort at the time,
6 Charlie Ferrara.

7 Immediately following the incident on February 13, 2016, Plaintiff was
8 also told by the police that it would not be difficult to identify the aggressors
9 because the police keep a photo book of the Bay Boys and they know who
10 frequent the area. But after the incident, the police did not follow up to
11 permit Plaintiff to identify the perpetrators. Instead, Plaintiff called the police
12 numerous times to set up a time to identify the perpetrators. After engaging
13 counsel, Plaintiff was finally permitted to identify Defendant Johnston in a
14 photo lineup.

15 A police officer with the Palos Verdes Estates Police Department also
16 asked Plaintiff why she would want to go back to Lunada Bay because it is
17 not safe. This same officer also asked Plaintiff why a woman would want to
18 go to a rocky beach.

19 Ms. Reed's experiences are not unique in that the City has done little,
20 if anything, to address the Bay Boys' actions of exclusion.

21 Plaintiff notes that the City is in possession of information needed to
22 identify those putative class members who have filed police reports
23 pertaining to acts of aggression, intimidation, harassment, assault,
24 vandalism and battery occurring at Lunada Bay. Similarly, the City should
25 maintain records of complaints received from members of the public
26 pertaining to such conduct, but who were dissuaded from filing a police
27 report.

28 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105

1 witnesses in its Supplemental Disclosures and described the information
2 within the witnesses' knowledge. Plaintiff is in the process of gathering
3 additional information and will supplement this response as necessary and
4 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
5 following individuals who may have information in support of Plaintiff's
6 claims:

7 See response to interrogatory no. 1

8 **INTERROGATORY NO. 5:**

9 DESCRIBE and explain with specificity all facts and contentions YOU
10 assert under Fed. R. Civ. P. 23 (b)(2) that the City has acted or refused to
11 act in a manner applicable to the putative class generally, thereby making
12 injunctive or declaratory relief appropriate with respect to the class as a
13 whole as specifically related to YOUR claims against the City, and provide
14 the following information:

15 a. IDENTIFY all witnesses that YOU contend support YOUR
16 response to this Interrogatory, and DESCRIBE all information known by
17 each identified witness.

18 **RESPONSE TO INTERROGATORY NO. 5:**

19 Responding Party objects to this interrogatory as harassing and
20 duplicative of information disclosed in Responding Party's Rule 26(a)
21 disclosures and supplemental disclosures. Propounding Party may look to
22 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
23 the information sought by this interrogatory. Moreover, Responding Party
24 had the opportunity to depose Ms. Reed on this topic.

25 Responding Party further objects to this interrogatory in that it is
26 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
27 information pertaining to issues of law or fact common to the class. The
28 putative class consists of thousands, likely millions, of beachgoers. It would

1 be unduly burdensome to require Plaintiffs to identify thousands of people
2 and describe all information known to each witness.

3 Responding Party further objects to this interrogatory as compound.
4 This interrogatory contains multiple impermissible subparts in violation of
5 Federal Rule of Civil Procedure 33(a)(1).

6 Responding Party further objects to this interrogatory to the extent that
7 it seeks information that is outside of Responding Party's knowledge.

8 Responding Party further objects to the extent that this interrogatory
9 invades attorney-client privilege and/or violates the work product doctrine by
10 compelling Responding Party to disclose privileged communications and/or
11 litigation strategy. Responding Party will not provide any such information.

12 Responding Party further objects to this interrogatory as premature.
13 Because this interrogatory seeks or necessarily relies upon a contention,
14 and because this matter is in its early stages and pretrial discovery has only
15 just begun, Responding Party is unable to provide a complete response at
16 this time, nor is it required to do so. *See Kmiec v. Powerwave Techs. Inc. et*
17 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
18 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
19 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
20 interrogatory need not be answered until designated discovery is complete,
21 or until a pretrial conference or some other time.").

22 Subject to the foregoing objections, Responding Party responds as
23 follows:

24 The putative equitable-relief class consists of thousands, and
25 potentially millions, of would-be out-of area beachgoers who have the right
26 to visit Lunada Bay under state and federal law but who are deterred due to
27 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
28 Estates Police Department's complicity. This putative class includes people

1 who have wanted to visit Lunada Bay but have never done so out of fear of
2 the beach's localized reputation and the City's complicity in unlawful
3 exclusivity. The putative class also includes those who have visited the
4 beach only to be harassed, assaulted, threatened, battered, and/or had their
5 personal items vandalized. Many class members have filed police reports,
6 only to have no action taken by the police to identify or arrest the
7 aggressor(s). Others have been dissuaded by the police from filing a report.
8 This conduct has endured for decades. The class out-of-area beachgoers is
9 a diverse group, all who seek safe beach access to Palos Verdes Estates
10 beaches and Lunada Bay regardless of where they live, and regardless of
11 their race, national origin, ethnic group identification, religion, age, sex,
12 sexual orientation, color, genetic information, disability, or income.

13 Plaintiff is unaware of any conflicts of interest that either she or her
14 counsel may have with other class members and intends to (and has)
15 vigorously prosecute this case on behalf of other putative class members.
16 Additionally, Plaintiff's experiences with respect to Lunada Bay exemplify
17 those of many – if not most – putative class members and demonstrate a
18 sharing of interest.

19 As set forth in the Complaint and described by Ms. Reed during her
20 deposition, she wanted to surf at Lunada Bay since approximately
21 December 2014 but was dissuaded from surfing there having heard of
22 incidents of localism. On or about January 29, 2016, she decided to surf at
23 Lunada Bay with a group of outsiders despite her concerns of experiencing
24 localism. As soon as she arrived on the bluffs at Lunada Bay on or about
25 January 29, 2016, she began experiencing harassment. Bay Boys drove
26 past her after she and her friend, Jordan Wright, had parked their car, and
27 yelled at them, told them they couldn't surf there, and called them "kooks."
28 Other Bay Boys were recording Plaintiff and Mr. Wright while they were on

1 the bluff.

2 Once she made her way down from the bluffs to the beach, a Bay Boy
3 screamed at Plaintiff, calling her a "whore." Plaintiff was very frightened and
4 had never before been yelled at in that manner. The man walked away
5 briefly and returned to continue yelling at Plaintiff. Palos Verdes Estates
6 Police officers were present nearby and witnessed this incident. The police
7 finally approached Plaintiff, who indicated that she wanted to file a police
8 report. The police detained the suspect but ultimately released him without
9 arresting him because they claimed they did not hear what he had yelled at
10 Plaintiff. The police told Plaintiff she could make a citizen's arrest but
11 dissuaded her from doing so by telling her that she would be at risk of being
12 sued because people at Lunada Bay are wealthy and can hire good lawyers
13 to sue Plaintiff.

14 On or about February 13, 2016, Ms. Reed returned to Lunada Bay with
15 Mr. Wright to photograph Mr. Wright as he surfed. She had asked for a
16 police escort down to the beach that day but the police did not fulfill her
17 request. As Plaintiff and Mr. Wright walked down from the bluff to the
18 beach, they were confronted by two individuals who attempted to block the
19 pathway and told Plaintiff and Wright that "they were done." After making
20 their way down to the beach, Plaintiff and Wright were again confronted with
21 hostile individuals yelling at them. Plaintiff made her way to the rock fort and
22 was approached by Defendants Brant Blakeman and Alan Johnston who
23 were carrying a case of beer and video recording Plaintiff. Plaintiff was very
24 intimidated and felt harassed as Defendant Blakeman held a camera very
25 close to her face. Defendant Johnston deliberately sprayed a can of beer on
26 Plaintiff's arm and camera. Defendant Johnston acted in a very aggressive,
27 intimidating, and sexually lewd and suggestive manner. Plaintiff was initially
28 unable to exit the fort as she was frozen with fear. Plaintiff attempted to call

1 the police but did not have cell reception.

2 Plaintiff eventually made her way out of the rock fort, up the hill and
3 back to the top of the bluff. She was in tears. She saw a police car parked
4 at the top of the bluff and approached the car. She spoke with an officer and
5 explained what happened. Thereafter she was escorted back down the hill
6 to attempt to identify the aggressors. When she approached the fort, the
7 police greeted one of the Bay Boys who was present in the fort at the time,
8 Charlie Ferrara.

9 Immediately following the incident on February 13, 2016, Plaintiff was
10 also told by the police that it would not be difficult to identify the aggressors
11 because the police keep a photo book of the Bay Boys and they know who
12 frequent the area. But after the incident, the police did not follow up to
13 permit Plaintiff to identify the perpetrators. Instead, Plaintiff called the police
14 numerous times to set up a time to identify the perpetrators. After engaging
15 counsel, Plaintiff was finally permitted to identify Defendant Johnston in a
16 photo lineup.

17 A police officer with the Palos Verdes Estates Police Department also
18 asked Plaintiff why she would want to go back to Lunada Bay because it is
19 not safe. This same officer also asked Plaintiff why a woman would want to
20 go to a rocky beach.

21 Ms. Reed's experiences are not unique in that the City has done little,
22 if anything, to address the Bay Boys' actions of exclusion. Ms. Reed
23 believes that injunctive relief is appropriate and necessary in order to finally
24 permit public access at Lunada Bay.

25 Plaintiff notes that the City is in possession of information needed to
26 identify those putative class members who have filed police reports
27 pertaining to acts of aggression, intimidation, harassment, assault,
28 vandalism and battery occurring at Lunada Bay. Similarly, the City should

1 maintain records of complaints received from members of the public
2 pertaining to such conduct, but who were dissuaded from filing a police
3 report.

4 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
5 witnesses in its Supplemental Disclosures and described the information
6 within the witnesses' knowledge. Plaintiff is in the process of gathering
7 additional information and will supplement this response as necessary and
8 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
9 following individuals who may have information in support of Plaintiff's
10 claims:

11 See response to interrogatory no. 1.

12 **INTERROGATORY NO. 6:**

13 DESCRIBE and explain with specificity all facts and contentions YOU
14 assert under Fed. R. Civ. P. 23(b)(3) that questions of law and/or fact
15 common to putative class members predominate over any questions
16 affecting individual putative class members, and provide the following
17 information:

18 a. IDENTIFY all witnesses that YOU contend support YOUR
19 response to this Interrogatory, and DESCRIBE all information known by
20 each identified witness.

21 **RESPONSE TO INTERROGATORY NO. 6:**

22 Responding Party objects to this interrogatory as harassing and
23 duplicative of information disclosed in Responding Party's Rule 26(a)
24 disclosures and supplemental disclosures. Propounding Party may look to
25 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
26 the information sought by this interrogatory. Moreover, Responding Party
27 had the opportunity to depose Ms. Reed on this topic.

28 Responding Party further objects to this interrogatory in that it is

1 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
2 information pertaining to issues of law or fact common to the class. The
3 putative class consists of thousands, likely millions, of beachgoers. It would
4 be unduly burdensome to require Plaintiffs to identify thousands of people
5 and describe all information known to each witness.

6 Responding Party further objects to this interrogatory as compound.
7 This interrogatory contains multiple impermissible subparts in violation of
8 Federal Rule of Civil Procedure 33(a)(1).

9 Responding Party further objects to this interrogatory on the grounds it
10 is vague and ambiguous as to the meaning of the term "regarding all
11 questions of law or fact."

12 Responding Party further objects to this interrogatory to the extent that
13 it seeks information that is outside of Responding Party's knowledge.

14 Responding Party further objects to the extent that this interrogatory
15 invades attorney-client privilege and/or violates the work product doctrine by
16 compelling Responding Party to disclose privileged communications and/or
17 litigation strategy. Responding Party will not provide any such information.

18 Responding Party further objects to this interrogatory as premature.
19 Because this interrogatory seeks or necessarily relies upon a contention,
20 and because this matter is in its early stages and pretrial discovery has only
21 just begun, Responding Party is unable to provide a complete response at
22 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
23 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
24 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
25 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
26 interrogatory need not be answered until designated discovery is complete,
27 or until a pretrial conference or some other time.").

28 Subject to the foregoing objections, Responding Party responds as

1 follows:

2 The putative equitable-relief class consists of thousands, and
3 potentially millions, of would-be out-of area beachgoers who have the right
4 to visit Lunada Bay under state and federal law but who are deterred due to
5 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
6 Estates Police Department's complicity. This putative class includes people
7 who have wanted to visit Lunada Bay but have never done so out of fear of
8 the beach's localized reputation and the City's complicity in unlawful
9 exclusivity. The putative class also includes those who have visited the
10 beach only to be harassed, assaulted, threatened, battered, and/or had their
11 personal items vandalized. Many class members have filed police reports,
12 only to have no action taken by the police to identify or arrest the
13 aggressor(s). Others have been dissuaded by the police from filing a report.
14 This conduct has endured for decades. The class out-of-area beachgoers is
15 a diverse group, all who seek safe beach access to Palos Verdes Estates
16 beaches and Lunada Bay regardless of where they live, and regardless of
17 their race, national origin, ethnic group identification, religion, age, sex,
18 sexual orientation, color, genetic information, disability, or income.

19 Ms. Reed's experiences with respect to Lunada Bay exemplify those
20 experienced by the putative class, described above. As set forth in the
21 Complaint and described by Ms. Reed during her deposition, she wanted to
22 surf at Lunada Bay since approximately December 2014 but was dissuaded
23 from surfing there having heard of incidents of localism. On or about
24 January 29, 2016, she decided to surf at Lunada Bay with a group of
25 outsiders despite her concerns of experiencing localism. As soon as she
26 arrived on the bluffs at Lunada Bay on or about January 29, 2016, she
27 began experiencing harassment. Bay Boys drove past her after she and her
28 friend, Jordan Wright, had parked their car, and yelled at them, told them

1 they couldn't surf there, and called them "kooks." Other Bay Boys were
2 recording Plaintiff and Mr. Wright while they were on the bluff.

3 Once she made her way down from the bluffs to the beach, a Bay Boy
4 screamed at Plaintiff, calling her a "whore." Plaintiff was very frightened and
5 had never before been yelled at in that manner. The man walked away
6 briefly and returned to continue yelling at Plaintiff. Palos Verdes Estates
7 Police officers were present nearby and witnessed this incident. The police
8 finally approached Plaintiff, who indicated that she wanted to file a police
9 report. The police detained the suspect but ultimately released him without
10 arresting him because they claimed they did not hear what he had yelled at
11 Plaintiff. The police told Plaintiff she could make a citizen's arrest but
12 dissuaded her from doing so by telling her that she would be at risk of being
13 sued because people at Lunada Bay are wealthy and can hire good lawyers
14 to sue Plaintiff.

15 On or about February 13, 2016, Ms. Reed returned to Lunada Bay with
16 Mr. Wright to photograph Mr. Wright as he surfed. She had asked for a
17 police escort down to the beach that day but the police did not fulfill her
18 request. As Plaintiff and Mr. Wright walked down from the bluff to the
19 beach, they were confronted by two individuals who attempted to block the
20 pathway and told Plaintiff and Wright that "they were done." After making
21 their way down to the beach, Plaintiff and Wright were again confronted with
22 hostile individuals yelling at them. Plaintiff made her way to the rock fort and
23 was approached by Defendants Brant Blakeman and Alan Johnston who
24 were carrying a case of beer and video recording Plaintiff. Plaintiff was very
25 intimidated and felt harassed as Defendant Blakeman held a camera very
26 close to her face. Defendant Johnston deliberately sprayed a can of beer on
27 Plaintiff's arm and camera. Defendant Johnston acted in a very aggressive,
28 intimidating, and sexually lewd and suggestive manner. Plaintiff was initially

1 unable to exit the fort as she was frozen with fear. Plaintiff attempted to call
2 the police but did not have cell reception.

3 Plaintiff eventually made her way out of the rock fort, up the hill and
4 back to the top of the bluff. She was in tears. She saw a police car parked
5 at the top of the bluff and approached the car. She spoke with an officer and
6 explained what happened. Thereafter she was escorted back down the hill
7 to attempt to identify the aggressors. When she approached the fort, the
8 police greeted one of the Bay Boys who was present in the fort at the time,
9 Charlie Ferrara.

10 Immediately following the incident on February 13, 2016, Plaintiff was
11 also told by the police that it would not be difficult to identify the aggressors
12 because the police keep a photo book of the Bay Boys and they know who
13 frequent the area. But after the incident, the police did not follow up to
14 permit Plaintiff to identify the perpetrators. Instead, Plaintiff called the police
15 numerous times to set up a time to identify the perpetrators. After engaging
16 counsel, Plaintiff was finally permitted to identify Defendant Johnston in a
17 photo lineup.

18 A police officer with the Palos Verdes Estates Police Department also
19 asked Plaintiff why she would want to go back to Lunada Bay because it is
20 not safe. This same officer also asked Plaintiff why a woman would want to
21 go to a rocky beach.

22 Ms. Reed's experiences are not unique in that the City has done little,
23 if anything, to address the Bay Boys' actions of exclusion.

24 Plaintiff notes that the City is in possession of information needed to
25 identify those putative class members who have filed police reports
26 pertaining to acts of aggression, intimidation, harassment, assault,
27 vandalism and battery occurring at Lunada Bay. Similarly, the City should
28 maintain records of complaints received from members of the public

1 pertaining to such conduct, but who were dissuaded from filing a police
2 report.

3 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
4 witnesses in its Supplemental Disclosures and described the information
5 within the witnesses' knowledge. Plaintiff is in the process of gathering
6 additional information and will supplement this response as necessary and
7 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
8 following individuals who may have information in support of Plaintiff's
9 claims:

10 See response to interrogatory no. 1.

11 **INTERROGATORY NO. 7:**

12 For each putative class member of whom YOU are aware, DESCRIBE
13 with specificity the nature of ANY harm injury/wrongful conduct that forms
14 the basis for the inclusion of each putative class member in this ACTION,
15 including the residence of each putative class member, all persons involved,
16 the dates on which ANY harm injury/wrongful conduct occurred, the location
17 where ANY harm/injury/wrongful conduct occurred, whether said
18 harm/injury/wrongful conduct was reported to ANY law enforcement agency,
19 and if any such law enforcement report was made, the identity of each such
20 law enforcement agency.

21 **RESPONSE TO INTERROGATORY NO. 7:**

22 Responding Party objects to this interrogatory as harassing and
23 duplicative of information disclosed in Responding Party's Rule 26(a)
24 disclosures and supplemental disclosures. Propounding Party may look to
25 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
26 the information sought by this interrogatory. Moreover, Responding Party
27 had the opportunity to depose Ms. Reed on this topic.

28 Responding Party further objects to this interrogatory in that it is

1 unduly burdensome to the extent it asks Plaintiff to identify the names of all
2 putative class member, the nature of any harm or injury sustained by each
3 putative class member, the residence of each putative class member,
4 names of any other additional witnesses, dates of any harm, location of
5 where the harm was sustained, whether the harm was reported to law
6 enforcement and if so, the identity of the law enforcement agency. The
7 putative class consists of thousands, likely millions, of beachgoers. It would
8 be unduly burdensome and likely impossible for Plaintiff to provide this
9 information.

10 Responding Party further objects to this interrogatory as compound.
11 This interrogatory contains multiple impermissible subparts in violation of
12 Federal Rule of Civil Procedure 33(a)(1).

13 Responding Party further objects to this interrogatory to the extent that
14 it seeks information that is outside of Responding Party's knowledge.

15 Responding Party further objects to the extent that this interrogatory
16 invades attorney-client privilege and/or violates the work product doctrine by
17 compelling Responding Party to disclose privileged communications and/or
18 litigation strategy. Responding Party will not provide any such information.

19 Responding Party further objects to this interrogatory as premature.
20 Because this interrogatory seeks or necessarily relies upon a contention,
21 and because this matter is in its early stages and pretrial discovery has only
22 just begun, Responding Party is unable to provide a complete response at
23 this time, nor is it required to do so. *See Kmiec v. Powerwave Techs. Inc. et*
24 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
25 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; *see*
26 *also* Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
27 interrogatory need not be answered until designated discovery is complete,
28 or until a pretrial conference or some other time.").

1 Subject to and without waiving the foregoing objections, Plaintiff
2 responds as follows:

3 Plaintiff identified 105 witnesses in its Supplemental Disclosures and
4 described the information within the witnesses' knowledge. Plaintiff is in the
5 process of gathering additional information and will supplement this
6 response as necessary and appropriate in compliance with the Federal
7 Rules. Plaintiff also identifies the following individuals who may have
8 information in support of Plaintiff's claims:

9 See response to interrogatory no. 1.

10

11

12 DATED: November 29, 2016

OTTEN LAW, PC

13

14

15

By:

16

VICTOR OTTEN

17

Attorneys for Plaintiffs

18

CORY SPENCER, DIANA MILENA
REED, and COASTAL PROTECTION
RANGERS, INC.

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19 REED, and COASTAL PROTECTION
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20

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)
PROOF OF SERVICE

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Plaintiffs,

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROOF OF SERVICE

**Spencer, et al. v. Lunada Bay Boys, et al.; USDC, Central District of California,
Case No. 2:16-cv-02129-SJO (RAOx)**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES


At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3620 Pacific Coast Hwy, Suite 100, Torrance, CA 90505.

On November 30, 2016, I served the original of the following document(s) described as

1. PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;
2. PLAINTIFF CORY SPENCER 'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;
3. PLAINTIFF CORY SPENCER'S RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;
4. PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;
5. PLAINTIFF DIANA MILENA REED'S RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;
6. PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;
7. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;
8. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY; and
9. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY.

on the interested parties in this action as follows:

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.


Vanessa Marquez

SERVICE LIST

*Spencer, et al. v. Lunada Bay Boys, et al.; USDC, Central District of California,
Case No. 2:16-cv-02129-SJO (RAOx)*

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Exhibit “6”

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18 Attorneys for Plaintiffs
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19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
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1 CORY SPENCER, an individual;
2 DIANA MILENA REED, an
3 individual; and COASTAL
4 PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation,

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6 Plaintiffs,

7 v.

8 LUNADA BAY BOYS; THE
9 INDIVIDUAL MEMBERS OF THE
10 LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
11 BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
12 MICHAEL RAE PAPAYANS,
13 ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
14 and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
15 POLICE JEFF KEPLEY, in his
16 representative capacity; and DOES
1-10,

17
18 Defendants.
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CASE NO. 2:16-cv-02129-SJO (RAOx)
PLAINTIFF COASTAL PROTECTION
RANGERS' RESPONSES TO FIRST
SET OF INTERROGATORIES
PROPOUNDED BY DEFENDANT
CITY OF PALOS VERDES ESTATES

20 PROPOUNDING PARTY: Defendant CITY OF PALOS VERDES ESTATES

21 RESPONDING PARTY: Plaintiff COASTAL PROTECTION RANGERS

22 SET NO.: One

23 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
24 COASTAL PROTECTION RANGERS ("Responding Party") hereby submits
25 these objections and responses to the First Set of Interrogatories
26 propounded by Defendant CITY OF PALOS VERDES ESTATES
27 ("Propounding Party").
28

PRELIMINARY STATEMENT

Nothing in this response should be construed as an admission by Responding Party with respect to the admissibility or relevance of any fact, or of the truth or accuracy of any characterization or statement of any kind contained in Propounding Party's Interrogatories. Responding Party has not completed its investigation of the facts relating to this case, its discovery or its preparation for trial. All responses and objections contained herein are based only upon information that is presently available to and specifically known by Responding Party. It is anticipated that further discovery, independent investigation, legal research and analysis will supply additional facts and add meaning to known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in and variations from the responses set forth herein. The following objections and responses are made without prejudice to Responding Party's right to produce at trial, or otherwise, evidence regarding any subsequently discovered information. Responding Party accordingly reserves the right to modify and amend any and all responses herein as research is completed and contentions are made.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

DESCRIBE with specificity all facts and contentions regarding all objective criteria necessary to ascertain/define the number and identities of putative class members as it specifically relates to YOUR claims against the City, including your allegation in Paragraph 30 of the COMPLAINT that the putative class is so numerous that joinder of all members is impracticable, and provide the following information:

a. IDENTIFY all witnesses that YOU contend support YOUR

1 response to this Interrogatory, and DESCRIBE all information known by
2 each identified witness.

3 **RESPONSE TO INTERROGATORY NO. 1:**

4 Responding Party objects to this interrogatory as harassing and
5 duplicative of information disclosed in Responding Party's Rule 26(a)
6 disclosures and supplemental disclosures. Propounding Party may look to
7 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
8 the information sought by this interrogatory.

9 Responding Party further objects to this interrogatory in that it is
10 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
11 information pertaining to the identity of the class. The putative class
12 consists of thousands, likely millions, of beachgoers. It would be unduly
13 burdensome to require Plaintiffs to identify thousands of people and
14 describe all information known to each witness.

15 Responding Party further objects to this interrogatory as compound.
16 This interrogatory contains multiple impermissible subparts in violation of
17 Federal Rule of Civil Procedure 33(a)(1).

18 Responding Party further objects to this interrogatory on the grounds it
19 is vague and ambiguous as to the meaning of the term "objective criteria
20 necessary to ascertain/define the number and identities."

21 Responding Party further objects to this interrogatory to the extent that
22 it seeks information that is outside of Responding Party's knowledge.

23 Responding Party further objects to the extent that this interrogatory
24 invades attorney-client privilege and/or violates the work product doctrine by
25 compelling Responding Party to disclose privileged communications and/or
26 litigation strategy. Responding Party will not provide any such information.

27 Responding Party further objects to this interrogatory as premature.
28 Because this interrogatory seeks or necessarily relies upon a contention,

1 and because this matter is in its early stages and pretrial discovery has only
2 just begun, Responding Party is unable to provide a complete response at
3 this time, nor is it required to do so. *See Kmiec v. Powerwave Techs. Inc. et*
4 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
5 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
6 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
7 interrogatory need not be answered until designated discovery is complete,
8 or until a pretrial conference or some other time.").

9 Subject to the foregoing objections, Responding Party responds as
10 follows:

11 The putative equitable-relief class consists of thousands, and
12 potentially millions, of would-be out-of area beachgoers who have the right
13 to visit Lunada Bay under state and federal law but who are deterred due to
14 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
15 Estates Police Department's complicity. This putative class includes people
16 who have wanted to visit Lunada Bay but have never done so out of fear of
17 the beach's localized reputation and the City's complicity in unlawful
18 exclusivity. The putative class also includes those who have visited the
19 beach only to be harassed, assaulted, threatened, battered, and/or had their
20 personal items vandalized. Many class members have filed police reports,
21 only to have no action taken by the police to identify or arrest the
22 aggressor(s). Others have been dissuaded by the police from filing a report.
23 This conduct has endured for decades. The class out-of-area beachgoers is
24 a diverse group, all who seek safe beach access to Palos Verdes Estates
25 beaches and Lunada Bay regardless of where they live, and regardless of
26 their race, national origin, ethnic group identification, religion, age, sex,
27 sexual orientation, color, genetic information, disability, or income.

28 Next, damages associated with Plaintiff's civil rights claim against the

1 City are incidental, as Plaintiff primarily seeks equitable relief under Federal
2 Rule of Civil Procedure 23(b)(2). *Parsons v. Ryan*, 754 F.3d 657, 686 (9th
3 Cir. 2014) (FRCP 23(b)(2) is particularly appropriate for civil rights class
4 actions). Rule 23(b)(2) does not have an "ascertainability" requirement.
5 *See, e.g., Shelton v. Biedsoe*, 775 F.3d 554, 559 (3d Cir. 2015); *Bee,*
6 *Denning, Inc. v. Capital Alliance Group*, 2016 WL 3952153 at *4 (S.D. Cal.
7 July 21, 2016); *In re Yahoo Mail Litigation*, 308 F.R.D. 577, 597-598 (N.D.
8 Cal. 2015); *see also P.P. v. Compton Unified School District*, 2015 WL
9 5752770 at *23-24 (C.D. Cal. Sept. 29, 2015). Similarly, with respect to
10 numerosity, "it is well settled that a plaintiff need not allege the exact number
11 or specific identity of proposed class members." *Newberg on Class Actions*,
12 § 3:13 (5th ed.).

13 Plaintiff notes that the City is in possession of information needed to
14 identify those putative class members who have filed police reports
15 pertaining to acts of aggression, intimidation, harassment, assault,
16 vandalism and battery occurring at Lunada Bay. Similarly, the City should
17 maintain records of complaints received from members of the public
18 pertaining to such conduct, but who were dissuaded from filing a police
19 report.

20 Finally, in terms of persons that stand to benefit from the equitable
21 relief Plaintiff seeks, Plaintiff currently estimates that a class of out-of area
22 "non-local" beachgoers may include more than 23,754,141 Southern
23 California residents, which equates to the populations of Los Angeles,
24 Orange, Ventura, San Diego, Santa Barbara, San Luis Obispo, Kern, San
25 Bernardino, Riverside, and Imperial Counties combined, less the number of
26 residents of Palos Verdes Estates.

27 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
28 witnesses in its Supplemental Disclosures and described the information

1 within the witnesses' knowledge. Plaintiff is in the process of gathering
2 additional information and will supplement this response as necessary and
3 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
4 following individuals who may have information in support of Plaintiff's
5 claims:

6 1. Jim Light and Craig W. Cadwallader who Plaintiffs understand
7 were members of the Executive Committee, South Bay Chapter, Surfrider
8 Foundation, on or about 2002. Contact information for these witnesses can
9 be obtained through the general counsel of the Surfrider Foundation, Angela
10 Howe. It is anticipated that these witnesses can offer testimony regarding
11 the Surfrider Foundation's involvement and/or interaction with the City of
12 PVE and the Localism issue.

13 2. Geoff Hagins, can be contacted through Plaintiffs' counsel. It is
14 anticipated that Mr. Hagins will offer testimony on the allegations set forth in
15 the Complaint related to Defendant Lunada Bay Boys, the Individual
16 Members of the Lunada Bay Boys and the allegations related to the City and
17 Police Department. Mr. Hagins was accosted by Peter McCollum and
18 several other Bay Boys as reflected in Incident Report 95-0381. Mr. Hagins
19 will offer testimony that he informed the police that he was bringing a Ch 13
20 news crew on the day of the incident and was told "call me if you have any
21 problems." Mr. Hagins will offer testimony that he believes that Officer Blee
22 got in trouble for helping him identify the people involed in the incident. It is
23 also anticipated that Mr. Hagins will offer testimony that he made numerous
24 complaints to the City over the years regarding the treatment of outsiders by
25 the police department. As an activist, it is anticipated that Mr. Hagins will
26 offer testimony regarding surfers from outside of PVE who have reached out
27 to him regarding the allegations set forth in the Complaint.

28 3. Jason Gersch, can be contacted through Plaintiffs' counsel. It is

1 anticipated that Mr. Gersch, a resident of Lomita, will offer testimony that
2 several years ago, he and three were checking the surf at the top of Bluff
3 Cove in Palos Verdes Estates and were approached by a PVE police officer.
4 The officer asked what they were doing. Mr. Gersch responded by stating
5 "checking the surf," and the officer illegally demanded to see their driver's
6 licenses. The officer then stated "you are a long way from home" and "it's
7 getting late so you need to leave." It is anticipated that Mr. Gersch will also
8 offer testimony that after he appeared on television at a Lunada Bay protest
9 organized by Geoff Hagins in 1996, he was detained by PVE police while
10 attending a house party in Lunada Bay. He was illegally held at the police
11 station but not charged. He was released after a couple hours and told him
12 to "walk towards Torrance." He was not permitted to use a phone. Mr.
13 Gersch will also offer testimony regarding several incidents at Lunada Bay
14 involving individual members of the Lunada Bay Boys. This witness will offer
15 testimony that these events made him fearful from surfing Lunada Bay.

16 4. Ken Claypool, can be contacted through Plaintiffs' counsel. It is
17 anticipated that Mr. Claypool will testify that regarding the allegations set
18 forth in the Complaint related to Defendant Lunada Bay Boys and the
19 Individual Members of the Lunada Bay Boys. This witness will testify about
20 several incidents of harassment at Lunada Bay involving Individuals such as
21 Brant Blakeman, Joshua Bernstein and possibly one or more of the Ferraras.
22 It is anticipated that Mr. Claypool will also testify regarding the allegations
23 set forth in the Complaint related to the City including but not limited to
24 events that took place at Take Back Our Public Beaches Day -- Surf Lunada
25 Bay Peaceful Protest. This witness will offer testimony that these events
26 made him fearful from surfing Lunada Bay.

27 5. Chris Claypool, can be contacted through Plaintiffs' counsel. It is
28 anticipated that Mr. Claypool will testify regarding the allegations set forth in

1 the Complaint related to Defendant Lunada Bay Boys and the Individual
2 Members of the Lunada Bay Boys. This witness will testify about several
3 incidents of harassment at Lunada Bay involving Individuals such as Brant
4 Blakeman, Joshua Bernstein and possibly one or more of the Ferraras. It is
5 anticipated that this witness will offer testimony that these events made him
6 fearful from surfing Lunada Bay.

7 6. Jordan Wright, can be contacted through Plaintiffs' counsel. Mr.
8 Wright is expected to testify regarding several incidents that he has had with
9 Individual members of the Lunada Bay Boys over the 2 – 3 years that he has
10 attempted surf the break, including but not limited to the following: (a) being
11 assaulted on January 29, 2016 by David Melo, (b) February 13, 2016
12 incident with Plaintiff Diana Reed, (c) other incidents when he attempted to
13 surf Lunada Bay. It is anticipated that Mr. Wright will also testify regarding
14 his interactions with the City. It is anticipated that this witness will offer
15 testimony that these events made him fearful from surfing Lunada Bay.

16 7. Christopher Taloa, can be contacted through Plaintiffs' counsel.
17 Mr. Taloa is expected to testify regarding the allegations set forth in the
18 Complaint related to Defendant Lunada Bay Boys and the Individual
19 Members of the Lunada Bay Boys. In addition, it is anticipated that Mr. Taloa
20 will testify regarding the allegations set forth in the Complaint related to the
21 City. Mr. Taloa was actively involved in the MLK Peaceful Paddle Out at
22 Lunada Bay, and is anticipated to offer testimony regarding PVE's reputation
23 for localism.

24 8. Daniel Dorn, can be contacted through Plaintiffs' counsel. Mr.
25 Dorn will testify that he is a semiprofessional body boarder from Redondo
26 Beach. Mr. Dorn never surfed Lunada Bay because of it's reputation for
27 localism. Mr. Dorn will testify that he attended one of Mr. Taloa's surfing
28 events at Lunada Bay because he felt it would be safe. Even though police

1 where present, the police would not tell him if it was safe to surf. Upon
2 entering the water, Mr. Dorn was assailed by profanities and threats. It is
3 anticipated that Mr. Dorn will testify that a Bay Boy in a kayak told him to
4 leave and threatened him. It is anticipated that Dorn will testify that Individual
5 Bay Boys dropped in on him and tried to run him over with their surfboards
6 until he left. It is anticipated that his witness will offer testimony that these
7 events made him fearful from surfing Lunada Bay.

8 9. John MacHarg, can be contacted through Plaintiffs' counsel. It is
9 anticipated that Mr. MacHarg will offer testimony on the allegations set forth
10 in the Complaint related to Defendant Lunada Bay Boys and the Individual
11 Members of the Lunada Bay Boys and the allegations related to the City and
12 Police Department. It is anticipated that Mr. MacHard will testify that while
13 visiting Lunada Bay on January 29, 2016, he was standing just under the
14 patio on the rocks and Defendant Sang Lee (local surfer/enforcer) who was
15 standing on top of the patio poured out a portion of the beer he was holding
16 on to his head. This happened right in front two officers that were standing 6
17 feet to his right. It is anticipated that Mr. MacHard will testify that he sent
18 emails to Chief Kepley and/or Mark Valez on 1-29-16 and 2-1-16 re the
19 incident with Sang Lee and the alcohol consumption problem at Lunada
20 Bay. It is anticipated that Mr. MacHard will testify regarding several incidents
21 involving individual Bay Boys and that it appears that the City is still
22 permitting the locals to drink alcohol at the bluff and on the beach.

23 10. Andy MacHarg, can be contacted through Plaintiffs' counsel. It is
24 anticipated that this witness will offer testimony on the allegations set forth in
25 the Complaint related to Defendant Lunada Bay Boys and the Individual
26 Members of the Lunada Bay Boys. It is further anticipated that this witness
27 will offer testimony that the conduct of the Bay Boys as alleged in the
28 Complaint caused him to stop visiting and/or surfing Lunada Bay. The

1 constant harassment made this witnesses stop surfing Lunada Bay.

2 11. Tom Wolley, can be contacted through Plaintiffs' counsel. It is
3 anticipated that Mr. Wolley will testify that on the allegations set forth in the
4 Complaint related to Defendant Lunada Bay Boys and the Individual
5 Members of the Lunada Bay Boys. This witness will testify about several
6 incidents of harassment at Lunada Bay involving Individuals such as Brant
7 Blakeman and Joshua Berstein. It is anticipated that Mr. Wolley will also
8 testify that on the allegations set forth in the Complaint related to the City. It
9 is anticipated that his witness will offer testimony that these events made
10 him fearful from surfing Lunada Bay.

11 12. Tim Tindall, can be contacted through Plaintiffs' counsel, on the
12 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
13 and the Individual Members of the Lunada Bay Boys. It is anticipated that
14 Mr. Tindell will testify about being harassed while attempting to body board
15 Wally's. It is anticipated that his witness will offer testimony that these events
16 made him fearful from surfing Lunada Bay.

17 13. John Innis, can be contracted through Plaintiffs' counsel. It is
18 anticipated that this witness will offer testimony regarding the allegations set
19 forth in the Complaint related to Defendant Lunada Bay Boys, the Individual
20 Members of the Lunada Bay Boys and the allegations related to the City.
21 This witness will testify that while trying to take photographs at Lunada Bay,
22 he was harassed by several individuals. He made a police report but nothing
23 came of it.

24 14. Gavin Heaney, can be contacted through Plaintiffs' counsel. It is
25 anticipated that Mr. Heaney will testify that he was denied entrance to
26 Lunada Bay on top of the bluff while attempting to surf there by six or more
27 Bay Boys who threatened him with violence and damage to his property if he
28 went down the trail. Fearing for his safety, he quickly left the area.

1 15. Tyler Canali, can be contacted through Plaintiffs' counsel. It is
2 anticipated that Mr. Canali will testify that he is not from Palos Verdes
3 Estates. He will testify that was seriously hassled when he surfed Lunada
4 Bay. It is anticipated that he will testify that the Individual Bay Boys
5 surrounded him in the water to intimidate him, dropped in on his waves,
6 harassed and intimidated him until he left.

7 16. Jimmy Conn, can be contacted through Plaintiffs' counsel. It is
8 anticipated that Mr. will testify that he started surfing Lunada Bay around
9 1976. Mr. Conn will testify that even when the surf was too big for the locals
10 to be in the water, they would still threaten, harass and throw rocks at him.
11 On one occasion, he was hit by a rock and needed 17 stiches in his lip. He
12 still has the scar.

13 17. Mike Bernard, contact information unknown, on the allegations
14 set forth in the Complaint related to Defendant Lunada Bay Boys and the
15 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
16 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
17 accosted by Peter McCollum and several other Bay Boys as reflected in
18 Incident Report 95-0381. It is anticipated that this witness will offer testimony
19 on the way the City handled the circumstances before and after the incident
20 described in Report 95-0381.

21 18. Mike Bernard, Jr. contact information unknown, on the
22 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
23 and the Individual Members of the Lunada Bay Boys. Geoff Hagins, John
24 Hagin, Mike Bernard, Mike Bernard, Jr., Charlie Rigano and Doug Disanti
25 were accosted by Peter McCollum and several other Bay Boys as reflected
26 in Incident Report 95-0381.

27 19. Charlie Rigano, contact information unknown, on the allegations
28 set forth in the Complaint related to Defendant Lunada Bay Boys and the

1 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
2 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
3 accosted by Peter McCollum and several other Bay Boys as reflected in
4 Incident Report 95-0381.

5 20. Doug Disanti, contact information unknown, on the allegations
6 set forth in the Complaint related to Defendant Lunada Bay Boys and the
7 Individual Members of the Lunada Bay Boys. Geoff Hagins, John Hagin,
8 Mike Bernard, Mike Bernard, Jr, Charlie Rigano and Doug Disanti were
9 accosted by Peter McCollum and several other Bay Boys as reflected in
10 Incident Report 95-0381.

11 21. Jen L. Belcastro, Propounding party has this witnesses contact
12 information. It is anticipated that Ms. Belcastro will offer testimony regarding
13 the events she witnessed and are recorded by the officers in Report for
14 Incident 16-02164 and the City's handling of investigation. It is anticipated
15 that this witness will offer the following testimony: 1) confirm that other than
16 being called the day of the incident and refusing to make a statement to the
17 police on that day, she was not contacted by the police again until on or
18 about April 13, 2016 – approximately three months after the incident; 2) the
19 report does not accurately reflect what happened at the patio structure.

20 22. Kurt Stanphenhorst, contact information unknown, on the
21 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
22 and the Individual Members of the Lunada Bay Boys. It is anticipated that
23 this witness will testify that got shot at with a pellet gun by an Individual Bay
24 Boy.

25 23. Randy Clark, contact information unknown, on the allegations set
26 forth in the Complaint related to Defendant Lunada Bay Boys and the
27 Individual Members of the Lunada Bay Boys.

28 24. Trish Laurie, contact information unknown. It is anticipated that

1 Ms. Laurie will testify that she was sexually harassed/assaulted at Lunada
2 Bay. It is anticipated that she will say that certain individuals dropped
3 "dropped their towels and jerked off to her." Ms. Laurie is being listed as a
4 possible percipient witness.

5 25. Tom Wilson, contact information unknown, on the allegations set
6 forth in the Complaint related to Defendant Lunada Bay Boys and the
7 Individual Members of the Lunada Bay Boys.

8 26. Martin Tueling, contact information unknown, on the allegations
9 set forth in the Complaint related to Defendant Lunada Bay Boys and the
10 Individual Members of the Lunada Bay Boys.

11 27. Bernie Mann, contact information unknown, on the allegations
12 set forth in the Complaint related to Defendant Lunada Bay Boys and the
13 Individual Members of the Lunada Bay Boys.

14 28. Dr. Stephen Young, can be contacted through Plaintiffs' counsel.
15 It is anticipated that Dr. Stephen Young will testify that while attending
16 Medical school he tried many times to enjoy the break at Lunada Bay and on
17 every occasion, he was bullied to the point he would have to leave the area.
18 It is anticipated that he will tesify that his vehicle was damaged many times
19 which included slashed tires, scratches on the painted surfaces and broken
20 windows. He will testify that there was a few occasions that he feared for my
21 life. He will state that he filed a police report but nothing was done.

22 29. Hagan Kelly, contact information unknown, on the allegations set
23 forth in the Complaint related to Defendant Lunada Bay Boys and the
24 Individual Members of the Lunada Bay Boys.

25 30. Sef Krell, may be contacted through Plaintiffs' counsel. It is
26 anticipated that Mr. Kress will testify on the allegations set forth in the
27 Complaint related to Defendant Lunada Bay Boys and the Individual
28 Members of the Lunada Bay Boys and the allegations related to the City of

1 Palos Verdes Estates. Specifically, related to the incident that occurred on or
2 around November 15, 2014.

3 31. Alan Haven, can be contacted through Plaintiffs' counsel, on the
4 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
5 and the Individual Members of the Lunada Bay Boys. Mr. Haven is a
6 resident of Palos Verdes Estates and will testify regarding the video of an
7 assault that he took on October 10, 2015.

8 32. Daniel R. Jongeward, can be contacted through Plaintiffs'
9 counsel. It anticipated this witness will offer testimony related to Defendant
10 Lunada Bay Boys and the Individual Members of the Lunada Bay Boys.
11 Specifically, it is anticipated that Mr. Jongeward will testify that: (a) he is not
12 a resident of Palos Verdes Estates, (b) he was a big surfer but rides
13 longboards and guns, (c) he has attempted to surf Lunada Bay on several
14 occasions. Because of the reputation, he went alone and early in the
15 morning. He has had dirt clogs and rocks thrown at him. He has been
16 physically threatened. People threatened to vandalize his car. Because he
17 believes that the Lunada Bay Boys have the ability to physically harm him
18 and his property he made the decision not to return.

19 33. Patrick Landon, contact information unknown, on the allegations
20 set forth in the Complaint related to Defendant Lunada Bay Boys and the
21 Individual Members of the Lunada Bay Boys.

22 34. Frank Netto, can be contacted through Plaintiffs' counsel, on the
23 allegations set forth in the Complaint related to Defendant Lunada Bay Boys
24 and the Individual Members of the Lunada Bay Boys.

25 35. Sharlean Perez, can be contacted through Plaintiffs' counsel, on
26 the allegations set forth in the Complaint related to Defendant Lunada Bay
27 Boys and the Individual Members of the Lunada Bay Boys. It is anticipated
28 that this witness will testify that she and her boyfriend tried to hike down the

1 trail to Lunada Bay and people started throwing glass bottles "near" and
2 "around" them. She and her boyfriend at the time were not from PVE.

3 36. Charles Michael Pinkerton, can be contacted through Plaintiffs'
4 counsel, on the allegations set forth in the Complaint related to Defendant
5 Lunada Bay Boys and the Individual Members of the Lunada Bay Boys. It is
6 anticipated that Mr. Pinkerton will testify that he is an aerospace engineer
7 with a Masters Degree that he has made several attempts to surf Lunada
8 Bay. He will state that he has been harassed (verbal harassments, threats of
9 violence, to throw things in the water). He has had all four tires flattened, his
10 windows waxed; his backpack thrown in the water while he was out surfing.

11 37. Mike Purpus, contact information unknown, on the allegations
12 set forth in the Complaint related to Defendant Lunada Bay Boys and the
13 Individual Members of The Lunada Bay Boys. This witness is a former
14 professional surfer who has written articles about localism at Lunada Bay
15 and is listed as a possible percipient witness.

16 38. Mike Stevens, Los Angeles County District Attorney's Office, 210
17 West Temple Street, Los Angeles, CA 90012, on the allegations set forth in
18 the Complaint related to Defendant Lunada Bay Boys and the Individual
19 Members of the Lunada Bay Boys. Plaintiffs have been informed that Mr.
20 Stevens is an investigator with the Los Angeles District Attorney's Office and
21 that he was hassled by the Bay Boys when attempting to surf Lunada Bay.
22 Neither Plaintiffs nor their attorneys have spoken directly with Mr. Stevens.
23 He is listed as a possible percipient witness.

24 39. Rory Carroll, contact information unknown, on the allegations set
25 forth in the Complaint related to Defendant Lunada Bay Boys and the
26 Individual Members of the Lunada Bay Boys. Specifically, Mr. Carroll is
27 expected to testify regarding the contents of the
28 video: <https://www.theguardian.com/travel/video/2015/may/18/california-surf->

1 wars-lunada-bay-localism-video.

2 40. Noah Smith, contact information unknown, on the allegations set
3 forth in the Complaint related to Defendant Lunada Bay Boys and the
4 Individual Members of the Lunada Bay Boys. Specifically, Mr. Carroll is
5 expected to testify regarding the contents of the video:

6 [https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
7 [lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

8 41. Karl Willert, can be contacted through Plaintiffs' counsel. It is
9 anticipated that this witness will offer testimony on the allegations set forth in
10 the Complaint related to Defendant Lunada Bay Boys and the Individual
11 Members of the Lunada Bay Boys and the City.

12 42. Jose Barahona, can be contacted through Plaintiffs' counsel. It is
13 anticipated that this witness will offer testimony on the allegations set forth in
14 the Complaint related to Defendant Lunada Bay Boys and the Individual
15 Members of the Lunada Bay Boys and the City.

16 **INTERROGATORY NO. 2:**

17 DESCRIBE and explain with specificity all facts and contentions YOU
18 assert regarding all questions of law or fact—if any — that YOU contend are
19 common to the putative class (as that term is defined by Fed. R. Civ. P. 23
20 (a)(2)) as specifically related to YOUR claims against the City, and provide
21 the following information:

22 a. IDENTIFY all witnesses that YOU contend support YOUR
23 response to this Interrogatory, and DESCRIBE all information known by
24 each identified witness.

25 **RESPONSE TO INTERROGATORY NO. 2:**

26 Responding Party objects to this interrogatory as harassing and
27 duplicative of information disclosed in Responding Party's Rule 26(a)
28 disclosures and supplemental disclosures. Propounding Party may look to

1 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
2 the information sought by this interrogatory.

3 Responding Party further objects to this interrogatory in that it is
4 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
5 information pertaining to issues of law or fact common to the class. The
6 putative class consists of thousands, likely millions, of beachgoers. It would
7 be unduly burdensome to require Plaintiffs to identify thousands of people
8 and describe all information known to each witness.

9 Responding Party further objects to this interrogatory as compound.
10 This interrogatory contains multiple impermissible subparts in violation of
11 Federal Rule of Civil Procedure 33(a)(1).

12 Responding Party further objects to this interrogatory on the grounds it
13 is vague and ambiguous as to the meaning of the term "regarding all
14 questions of law or fact."

15 Responding Party further objects to this interrogatory to the extent that
16 it seeks information that is outside of Responding Party's knowledge.

17 Responding Party further objects to the extent that this interrogatory
18 invades attorney-client privilege and/or violates the work product doctrine by
19 compelling Responding Party to disclose privileged communications and/or
20 litigation strategy. Responding Party will not provide any such information.

21 Responding Party further objects to this interrogatory as premature.
22 Because this interrogatory seeks or necessarily relies upon a contention,
23 and because this matter is in its early stages and pretrial discovery has only
24 just begun, Responding Party is unable to provide a complete response at
25 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
26 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
27 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
28 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]

1 interrogatory need not be answered until designated discovery is complete,
2 or until a pretrial conference or some other time.").

3 Subject to the foregoing objections, Responding Party responds as
4 follows:

5 The putative equitable-relief class consists of thousands, and
6 potentially millions, of would-be out-of area beachgoers who have the right
7 to visit Lunada Bay under state and federal law but who are deterred due to
8 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
9 Estates Police Department's complicity. This putative class includes people
10 who have wanted to visit Lunada Bay but have never done so out of fear of
11 the beach's localized reputation and the City's complicity in unlawful
12 exclusivity. The putative class also includes those who have visited the
13 beach only to be harassed, assaulted, threatened, battered, and/or had their
14 personal items vandalized. Many class members have filed police reports,
15 only to have no action taken by the police to identify or arrest the
16 aggressor(s). Others have been dissuaded by the police from filing a report.
17 This conduct has endured for decades. The class out-of-area beachgoers is
18 a diverse group, all who seek safe beach access to Palos Verdes Estates
19 beaches and Lunada Bay regardless of where they live, and regardless of
20 their race, national origin, ethnic group identification, religion, age, sex,
21 sexual orientation, color, genetic information, disability, or income.

22 The Coastal Protection Rangers' experiences with respect to Lunada
23 Bay exemplify those experienced by the putative class, described above.
24 Several of CPR's board members and/or volunteers of the organization are
25 surfers and/or enjoy the beach and grew up in areas near Palos Verdes
26 Estates such as Redondo Beach, Rancho Palos Verdes, Hermosa Beach
27 and Torrance. They would have liked to have surfed, dived or even just
28 enjoyed the beach at Lunada Bay but were afraid to because of the

1 reputation that it had for localism.

2 Plaintiff notes that the City is in possession of information needed to
3 identify those putative class members who have filed police reports
4 pertaining to acts of aggression, intimidation, harassment, assault,
5 vandalism and battery occurring at Lunada Bay. Similarly, the City should
6 maintain records of complaints received from members of the public
7 pertaining to such conduct, but who were dissuaded from filing a police
8 report.

9 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
10 witnesses in its Supplemental Disclosures and described the information
11 within the witnesses' knowledge. Plaintiff is in the process of gathering
12 additional information and will supplement this response as necessary and
13 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
14 following individuals who may have information in support of Plaintiff's
15 claims:

16 See response to interrogatory no. 1.

17 **INTERROGATORY NO. 3:**

18 DESCRIBE and explain with specificity all facts and contentions YOU
19 assert regarding why the CLASS REPRESENTATIVES' Third Cause of
20 Action—42 U.S.C. § 1983—Equal Protection asserted against the City is
21 "typical" (as that term is defined by Fed. R. Civ. P. (a)(3)) of each member of
22 the putative class as specifically related to YOUR claims against the City,
23 and provide the following information:

24 a. IDENTIFY all witnesses that YOU contend support YOUR
25 response to this Interrogatory, and DESCRIBE all information known by
26 each identified witness.

27 **RESPONSE TO INTERROGATORY NO. 3:**

28 Responding Party objects to this interrogatory as harassing and

1 duplicative of information disclosed in Responding Party's Rule 26(a)
2 disclosures and supplemental disclosures. Propounding Party may look to
3 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
4 the information sought by this interrogatory.

5 Responding Party further objects to this interrogatory in that it is
6 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
7 information pertaining to issues of law or fact common to the class. The
8 putative class consists of thousands, likely millions, of beachgoers. It would
9 be unduly burdensome to require Plaintiffs to identify thousands of people
10 and describe all information known to each witness.

11 Responding Party further objects to this interrogatory as compound.
12 This interrogatory contains multiple impermissible subparts in violation of
13 Federal Rule of Civil Procedure 33(a)(1).

14 Responding Party further objects to this interrogatory to the extent that
15 it seeks information that is outside of Responding Party's knowledge.

16 Responding Party further objects to the extent that this interrogatory
17 invades attorney-client privilege and/or violates the work product doctrine by
18 compelling Responding Party to disclose privileged communications and/or
19 litigation strategy. Responding Party will not provide any such information.

20 Responding Party further objects to this interrogatory as premature.
21 Because this interrogatory seeks or necessarily relies upon a contention,
22 and because this matter is in its early stages and pretrial discovery has only
23 just begun, Responding Party is unable to provide a complete response at
24 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
25 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
26 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
27 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
28 interrogatory need not be answered until designated discovery is complete,

1 or until a pretrial conference or some other time.").

2 Subject to the foregoing objections, Responding Party responds as
3 follows:

4 The putative equitable-relief class consists of thousands, and
5 potentially millions, of would-be out-of area beachgoers who have the right
6 to visit Lunada Bay under state and federal law but who are deterred due to
7 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
8 Estates Police Department's complicity. This putative class includes people
9 who have wanted to visit Lunada Bay but have never done so out of fear of
10 the beach's localized reputation and the City's complicity in unlawful
11 exclusivity. The putative class also includes those who have visited the
12 beach only to be harassed, assaulted, threatened, battered, and/or had their
13 personal items vandalized. Many class members have filed police reports,
14 only to have no action taken by the police to identify or arrest the
15 aggressor(s). Others have been dissuaded by the police from filing a report.
16 This conduct has endured for decades. The class out-of-area beachgoers is
17 a diverse group, all who seek safe beach access to Palos Verdes Estates
18 beaches and Lunada Bay regardless of where they live, and regardless of
19 their race, national origin, ethnic group identification, religion, age, sex,
20 sexual orientation, color, genetic information, disability, or income.

21 The Coastal Protection Rangers' experiences with respect to Lunada
22 Bay exemplify those experienced by the putative class, described above.

23 Plaintiff notes that the City is in possession of information needed to
24 identify those putative class members who have filed police reports
25 pertaining to acts of aggression, intimidation, harassment, assault,
26 vandalism and battery occurring at Lunada Bay. Similarly, the City should
27 maintain records of complaints received from members of the public
28 pertaining to such conduct, but who were dissuaded from filing a police

1 report.

2 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
3 witnesses in its Supplemental Disclosures and described the information
4 within the witnesses' knowledge. Plaintiff is in the process of gathering
5 additional information and will supplement this response as necessary and
6 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
7 following individuals who may have information in support of Plaintiff's
8 claims:

9 See response to interrogatory no. 1.

10 **INTERROGATORY NO. 4:**

11 DESCRIBE and explain with specificity all facts and contentions YOU
12 assert regarding why the CLASS REPRESENTATIVES can "fairly and
13 adequately" (as that term is defined by Fed. R. Civ. P. 23(a)(4)) protect the
14 interests of the putative class as specifically related to YOUR claims against
15 the City, and provide the following information:

16 a. IDENTIFY all witnesses that YOU contend support YOUR
17 response to this Interrogatory, and DESCRIBE all information known by
18 each identified witness.

19 **RESPONSE TO INTERROGATORY NO. 4:**

20 Responding Party objects to this interrogatory as harassing and
21 duplicative of information disclosed in Responding Party's Rule 26(a)
22 disclosures and supplemental disclosures. Propounding Party may look to
23 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
24 the information sought by this interrogatory.

25 Responding Party further objects to this interrogatory in that it is
26 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
27 information pertaining to issues of law or fact common to the class. The
28 putative class consists of thousands, likely millions, of beachgoers. It would

1 be unduly burdensome to require Plaintiffs to identify thousands of people
2 and describe all information known to each witness.

3 Responding Party further objects to this interrogatory as compound.
4 This interrogatory contains multiple impermissible subparts in violation of
5 Federal Rule of Civil Procedure 33(a)(1).

6 Responding Party further objects to this interrogatory to the extent that
7 it seeks information that is outside of Responding Party's knowledge.

8 Responding Party further objects to the extent that this interrogatory
9 invades attorney-client privilege and/or violates the work product doctrine by
10 compelling Responding Party to disclose privileged communications and/or
11 litigation strategy. Responding Party will not provide any such information.

12 Responding Party further objects to this interrogatory as premature.
13 Because this interrogatory seeks or necessarily relies upon a contention,
14 and because this matter is in its early stages and pretrial discovery has only
15 just begun, Responding Party is unable to provide a complete response at
16 this time, nor is it required to do so. *See Kmiec v. Powerwave Techs. Inc. et*
17 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
18 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; *see*
19 *also* Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
20 interrogatory need not be answered until designated discovery is complete,
21 or until a pretrial conference or some other time.").

22 Subject to the foregoing objections, Responding Party responds as
23 follows:

24 The putative equitable-relief class consists of thousands, and
25 potentially millions, of would-be out-of-area beachgoers who have the right
26 to visit Lunada Bay under state and federal law but who are deterred due to
27 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
28 Estates Police Department's complicity. This putative class includes people

1 who have wanted to visit Lunada Bay but have never done so out of fear of
2 the beach's localized reputation and the City's complicity in unlawful
3 exclusivity. The putative class also includes those who have visited the
4 beach only to be harassed, assaulted, threatened, battered, and/or had their
5 personal items vandalized. Many class members have filed police reports,
6 only to have no action taken by the police to identify or arrest the
7 aggressor(s). Others have been dissuaded by the police from filing a report.
8 This conduct has endured for decades. The class out-of-area beachgoers is
9 a diverse group, all who seek safe beach access to Palos Verdes Estates
10 beaches and Lunada Bay regardless of where they live, and regardless of
11 their race, national origin, ethnic group identification, religion, age, sex,
12 sexual orientation, color, genetic information, disability, or income.

13 Plaintiff is unaware of any conflicts of interest that either it or its
14 counsel may have with other class members and intends to (and has)
15 vigorously prosecute this case on behalf of other putative class members.
16 Additionally, Plaintiff's experiences with respect to Lunada Bay exemplify
17 those of many – if not most – putative class members and demonstrate a
18 sharing of interest.

19 The Coastal Protection Rangers' experiences with respect to Lunada
20 Bay exemplify those experienced by the putative class, described above.
21 Several of CPR's board members and/or volunteers of the organization are
22 surfers and/or enjoy the beach and grew up in areas near Palos Verdes
23 Estates such as Redondo Beach, Rancho Palos Verdes, Hermosa Beach
24 and Torrance. They would have liked to have surfed, dived or even just
25 enjoyed the beach at Lunada Bay but were afraid to because of the
26 reputation that it had for localism.

27 Plaintiff notes that the City is in possession of information needed to
28 identify those putative class members who have filed police reports

1 pertaining to acts of aggression, intimidation, harassment, assault,
2 vandalism and battery occurring at Lunada Bay. Similarly, the City should
3 maintain records of complaints received from members of the public
4 pertaining to such conduct, but who were dissuaded from filing a police
5 report.

6 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
7 witnesses in its Supplemental Disclosures and described the information
8 within the witnesses' knowledge. Plaintiff is in the process of gathering
9 additional information and will supplement this response as necessary and
10 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
11 following individuals who may have information in support of Plaintiff's
12 claims:

13 See response to interrogatory no. 1.

14 **INTERROGATORY NO. 5:**

15 DESCRIBE and explain with specificity all facts and contentions YOU
16 assert under Fed. R. Civ. P. 23 (b)(2) that the City has acted or refused to
17 act in a manner applicable to the putative class generally, thereby making
18 injunctive or declaratory relief appropriate with respect to the class as a
19 whole as specifically related to YOUR claims against the City, and provide
20 the following information:

21 a. IDENTIFY all witnesses that YOU contend support YOUR
22 response to this Interrogatory, and DESCRIBE all information known by
23 each identified witness.

24 **RESPONSE TO INTERROGATORY NO. 5:**

25 Responding Party objects to this interrogatory as harassing and
26 duplicative of information disclosed in Responding Party's Rule 26(a)
27 disclosures and supplemental disclosures. Propounding Party may look to
28 Responding Party's Rule 26(a) disclosures and supplemental disclosures for

1 the information sought by this interrogatory.

2 Responding Party further objects to this interrogatory in that it is
3 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
4 information pertaining to issues of law or fact common to the class. The
5 putative class consists of thousands, likely millions, of beachgoers. It would
6 be unduly burdensome to require Plaintiffs to identify thousands of people
7 and describe all information known to each witness.

8 Responding Party further objects to this interrogatory as compound.
9 This interrogatory contains multiple impermissible subparts in violation of
10 Federal Rule of Civil Procedure 33(a)(1).

11 Responding Party further objects to this interrogatory to the extent that
12 it seeks information that is outside of Responding Party's knowledge.

13 Responding Party further objects to the extent that this interrogatory
14 invades attorney-client privilege and/or violates the work product doctrine by
15 compelling Responding Party to disclose privileged communications and/or
16 litigation strategy. Responding Party will not provide any such information.

17 Responding Party further objects to this interrogatory as premature.
18 Because this interrogatory seeks or necessarily relies upon a contention,
19 and because this matter is in its early stages and pretrial discovery has only
20 just begun, Responding Party is unable to provide a complete response at
21 this time, nor is it required to do so. *See Kmiec v. Powerwave Techs. Inc. et*
22 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
23 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
24 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
25 interrogatory need not be answered until designated discovery is complete,
26 or until a pretrial conference or some other time.").

27 Subject to the foregoing objections, Responding Party responds as
28 follows:

1 The putative equitable-relief class consists of thousands, and
2 potentially millions, of would-be out-of area beachgoers who have the right
3 to visit Lunada Bay under state and federal law but who are deterred due to
4 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
5 Estates Police Department's complicity. This putative class includes people
6 who have wanted to visit Lunada Bay but have never done so out of fear of
7 the beach's localized reputation and the City's complicity in unlawful
8 exclusivity. The putative class also includes those who have visited the
9 beach only to be harassed, assaulted, threatened, battered, and/or had their
10 personal items vandalized. Many class members have filed police reports,
11 only to have no action taken by the police to identify or arrest the
12 aggressor(s). Others have been dissuaded by the police from filing a report.
13 This conduct has endured for decades. The class out-of-area beachgoers is
14 a diverse group, all who seek safe beach access to Palos Verdes Estates
15 beaches and Lunada Bay regardless of where they live, and regardless of
16 their race, national origin, ethnic group identification, religion, age, sex,
17 sexual orientation, color, genetic information, disability, or income.

18 Plaintiff is unaware of any conflicts of interest that either it or its
19 counsel may have with other class members and intends to (and has)
20 vigorously prosecute this case on behalf of other putative class members.
21 Additionally, Plaintiff's experiences with respect to Lunada Bay exemplify
22 those of many – if not most – putative class members and demonstrate a
23 sharing of interest.

24 The Coastal Protection Rangers' experiences with respect to Lunada
25 Bay exemplify those experienced by the putative class, described above.
26 The Coastal Protection Rangers' experiences with respect to Lunada Bay
27 exemplify those experienced by the putative class, described above.
28 Several of CPR's board members and/or volunteers of the organization are

1 surfers and/or enjoy the beach and grew up in areas near Palos Verdes
2 Estates such as Redondo Beach, Rancho Palos Verdes, Hermosa Beach
3 and Torrance. They would have liked to have surfed, dived or even just
4 enjoyed the beach at Lunada Bay but were afraid to because of the
5 reputation that it had for localism.

6 Plaintiff notes that the City is in possession of information needed to
7 identify those putative class members who have filed police reports
8 pertaining to acts of aggression, intimidation, harassment, assault,
9 vandalism and battery occurring at Lunada Bay. Similarly, the City should
10 maintain records of complaints received from members of the public
11 pertaining to such conduct, but who were dissuaded from filing a police
12 report.

13 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
14 witnesses in its Supplemental Disclosures and described the information
15 within the witnesses' knowledge. Plaintiff is in the process of gathering
16 additional information and will supplement this response as necessary and
17 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
18 following individuals who may have information in support of Plaintiff's
19 claims:

20 See response to interrogatory no. 1.

21 **INTERROGATORY NO. 6:**

22 DESCRIBE and explain with specificity all facts and contentions YOU
23 assert under Fed. R. Civ. P. 23(b)(3) that questions of law and/or fact
24 common to putative class members predominate over any questions
25 affecting individual putative class members, and provide the following
26 information:

27 a. IDENTIFY all witnesses that YOU contend support YOUR
28 response to this Interrogatory, and DESCRIBE all information known by

1 each identified witness.

2 **RESPONSE TO INTERROGATORY NO. 6:**

3 Responding Party objects to this interrogatory as harassing and
4 duplicative of information disclosed in Responding Party's Rule 26(a)
5 disclosures and supplemental disclosures. Propounding Party may look to
6 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
7 the information sought by this interrogatory.

8 Responding Party further objects to this interrogatory in that it is
9 unduly burdensome to the extent it asks Plaintiff to identify all witnesses with
10 information pertaining to issues of law or fact common to the class. The
11 putative class consists of thousands, likely millions, of beachgoers. It would
12 be unduly burdensome to require Plaintiffs to identify thousands of people
13 and describe all information known to each witness.

14 Responding Party further objects to this interrogatory as compound.
15 This interrogatory contains multiple impermissible subparts in violation of
16 Federal Rule of Civil Procedure 33(a)(1).

17 Responding Party further objects to this interrogatory on the grounds it
18 is vague and ambiguous as to the meaning of the term "regarding all
19 questions of law or fact."

20 Responding Party further objects to this interrogatory to the extent that
21 it seeks information that is outside of Responding Party's knowledge.

22 Responding Party further objects to the extent that this interrogatory
23 invades attorney-client privilege and/or violates the work product doctrine by
24 compelling Responding Party to disclose privileged communications and/or
25 litigation strategy. Responding Party will not provide any such information.

26 Responding Party further objects to this interrogatory as premature.
27 Because this interrogatory seeks or necessarily relies upon a contention,
28 and because this matter is in its early stages and pretrial discovery has only

1 just begun, Responding Party is unable to provide a complete response at
2 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
3 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
4 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
5 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
6 interrogatory need not be answered until designated discovery is complete,
7 or until a pretrial conference or some other time.").

8 Subject to the foregoing objections, Responding Party responds as
9 follows:

10 The putative equitable-relief class consists of thousands, and
11 potentially millions, of would-be out-of-area beachgoers who have the right
12 to visit Lunada Bay under state and federal law but who are deterred due to
13 the Individual Defendants' and Bay Boys' actions and/or the Palos Verdes
14 Estates Police Department's complicity. This putative class includes people
15 who have wanted to visit Lunada Bay but have never done so out of fear of
16 the beach's localized reputation and the City's complicity in unlawful
17 exclusivity. The putative class also includes those who have visited the
18 beach only to be harassed, assaulted, threatened, battered, and/or had their
19 personal items vandalized. Many class members have filed police reports,
20 only to have no action taken by the police to identify or arrest the
21 aggressor(s). Others have been dissuaded by the police from filing a report.
22 This conduct has endured for decades. The class out-of-area beachgoers is
23 a diverse group, all who seek safe beach access to Palos Verdes Estates
24 beaches and Lunada Bay regardless of where they live, and regardless of
25 their race, national origin, ethnic group identification, religion, age, sex,
26 sexual orientation, color, genetic information, disability, or income.

27 The Coastal Protection Rangers' experiences with respect to Lunada
28 Bay exemplify those experienced by the putative class, described above.

1 Several of CPR's board members and/or volunteers of the organization are
2 surfers and/or enjoy the beach and grew up in areas near Palos Verdes
3 Estates such as Redondo Beach, Rancho Palos Verdes, Hermosa Beach
4 and Torrance. They would have liked to have surfed, dived or even just
5 enjoyed the beach at Lunada Bay but were afraid to because of the
6 reputation that it had for localism.

7 Plaintiff notes that the City is in possession of information needed to
8 identify those putative class members who have filed police reports
9 pertaining to acts of aggression, intimidation, harassment, assault,
10 vandalism and battery occurring at Lunada Bay. Similarly, the City should
11 maintain records of complaints received from members of the public
12 pertaining to such conduct, but who were dissuaded from filing a police
13 report.

14 With respect to subpart (a) of this Interrogatory, Plaintiff identified 105
15 witnesses in its Supplemental Disclosures and described the information
16 within the witnesses' knowledge. Plaintiff is in the process of gathering
17 additional information and will supplement this response as necessary and
18 appropriate in compliance with the Federal Rules. Plaintiff also identifies the
19 following individuals who may have information in support of Plaintiff's
20 claims:

21 See response to interrogatory no. 1.

22 **INTERROGATORY NO. 7:**

23 For each putative class member of whom YOU are aware, DESCRIBE
24 with specificity the nature of ANY harm injury/wrongful conduct that forms
25 the basis for the inclusion of each putative class member in this ACTION,
26 including the residence of each putative class member, all persons involved,
27 the dates on which ANY harm injury/wrongful conduct occurred, the location
28 where ANY harm/injury/wrongful conduct occurred, whether said

1 harm/injury/wrongful conduct was reported to ANY law enforcement agency,
2 and if any such law enforcement report was made, the identity of each such
3 law enforcement agency.

4 **RESPONSE TO INTERROGATORY NO. 7:**

5 Responding Party objects to this interrogatory as harassing and
6 duplicative of information disclosed in Responding Party's Rule 26(a)
7 disclosures and supplemental disclosures. Propounding Party may look to
8 Responding Party's Rule 26(a) disclosures and supplemental disclosures for
9 the information sought by this interrogatory.

10 Responding Party further objects to this interrogatory in that it is
11 unduly burdensome to the extent it asks Plaintiff to identify the names of all
12 putative class members, the nature of any harm or injury sustained by each
13 putative class member, the residence of each putative class member,
14 names of any other additional witnesses, dates of any harm, location of
15 where the harm was sustained, whether the harm was reported to law
16 enforcement and if so, the identity of the law enforcement agency. The
17 putative class consists of thousands, likely millions, of beachgoers. It would
18 be unduly burdensome and likely impossible for Plaintiff to provide this
19 information.

20 Responding Party further objects to this interrogatory as compound.
21 This interrogatory contains multiple impermissible subparts in violation of
22 Federal Rule of Civil Procedure 33(a)(1).

23 Responding Party further objects to this interrogatory to the extent that
24 it seeks information that is outside of Responding Party's knowledge.

25 Responding Party further objects to the extent that this interrogatory
26 invades attorney-client privilege and/or violates the work product doctrine by
27 compelling Responding Party to disclose privileged communications and/or
28 litigation strategy. Responding Party will not provide any such information.

1 Responding Party further objects to this interrogatory as premature.
2 Because this interrogatory seeks or necessarily relies upon a contention,
3 and because this matter is in its early stages and pretrial discovery has only
4 just begun, Responding Party is unable to provide a complete response at
5 this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et*
6 *al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
7 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
8 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
9 interrogatory need not be answered until designated discovery is complete,
10 or until a pretrial conference or some other time.").

11
12
13 DATED: November 29, 2016

OTTEN LAW, PC

14
15
16 By: 

VICTOR OTTEN
Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
REED, and COASTAL PROTECTION
RANGERS, INC.

PROOF OF SERVICE

**Spencer, et al. v. Lunada Bay Boys, et al.; USDC, Central District of California,
Case No. 2:16-cv-02129-SJO (RAOx)**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3620 Pacific Coast Hwy, Suite 100, Torrance, CA 90505.

On November 30, 2016, I served the original of the following document(s) described as

1. PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;

2. PLAINTIFF CORY SPENCER'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;

3. PLAINTIFF CORY SPENCER'S RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;

4. PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;

5. PLAINTIFF DIANA MILENA REED'S RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;

6. PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;

7. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;

8. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY; and

9. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY.

on the interested parties in this action as follows:

VERIFICATION

[Fed. R. Civ. P. 33(b)]

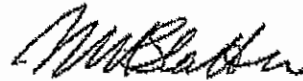
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, Mark Slatten, state:

I am the President for Plaintiff Coastal Protection Rangers, and am authorized to make this Verification on its behalf. I have read the foregoing PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES and know its contents. I am informed and believe that the matters stated herein are true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 30, 2016, at Murrieta, California.



Mark Slatten, President
COASTAL PROTECTION
RANGERS

Case No. 2:16-cv-02129-SJO (RAOx)

VERIFICATION OF
COASTAL PROTECTION RANGERS' RESP, TO CITY'S FIRST SET OF INTERROGATORIES

12887117.1

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18 Attorneys for Plaintiffs
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19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 UNITED STATES DISTRICT COURT
22 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)
PROOF OF SERVICE

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Plaintiffs,

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
AKA JALIAN JOHNSTON,
MICHAEL RAE PAPAYANS,
ANGELO FERRARA, FRANK
FERRARA, CHARLIE FERRARA,
and N. F.; CITY OF PALOS
VERDES ESTATES; CHIEF OF
POLICE JEFF KEPLEY, in his
representative capacity; and DOES
1-10,

Defendants.

PROOF OF SERVICE

**Spencer, et al. v. Lunada Bay Boys, et al.; USDC, Central District of California,
Case No. 2:16-cv-02129-SJO (RAOx)**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3620 Pacific Coast Hwy, Suite 100, Torrance, CA 90505.

On November 30, 2016, I served the original of the following document(s) described as

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5. PLAINTIFF DIANA MILENA REED'S RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;
6. PLAINTIFF DIANA MILENA REED'S RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY;
7. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSES TO FIRST SET OF INTERROGATORIES PROPOUNDED BY DEFENDANT CITY OF PALOS VERDES ESTATES;
8. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSE TO FIRST SET OF REQUESTS FOR ADMISSION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY; and
9. PLAINTIFF COASTAL PROTECTION RANGERS' RESPONSE TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY DEFENDANTS CITY OF PALOS VERDES ESTATES AND CHIEF OF POLICE JEFF KEPLEY.

on the interested parties in this action as follows:

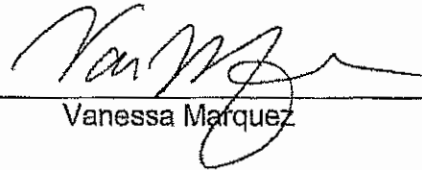
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SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Otten Law PC practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on November 30, 2016, Torrance, California.



Vanessa Marquez

SERVICE LIST

*Spencer, et al. v. Lunada Bay Boys, et al.; USDC, Central District of California,
Case No. 2:16-cv-02129-SJO (RAOx)*

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Exhibit “7”

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17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
22

23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,

27 Plaintiffs,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF PHILIP KING IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

Judge: Hon. S. James Otero
Date: February 21, 2017
Time: 10:00 a.m.
Crtrm.: 10C

1
2 v.

3 LUNADA BAY BOYS; THE
4 INDIVIDUAL MEMBERS OF THE
5 LUNADA BAY BOYS, including but
6 not limited to SANG LEE, BRANT
7 BLAKEMAN, ALAN JOHNSTON
8 AKA JALIAN JOHNSTON,
9 MICHAEL RAE PAPAYANS,
10 ANGELO FERRARA, FRANK
11 FERRARA, CHARLIE FERRARA,
12 and N. F.; CITY OF PALOS
13 VERDES ESTATES; CHIEF OF
14 POLICE JEFF KEPLEY, in his
15 representative capacity; and DOES
16 1-10,

17 Defendants.

18 I, Philip King, declare as follows:

19 1. I am a professor of economics at San Francisco State University
20 (SFSU) and have been recently retained as an expert in this matter on
21 behalf of Plaintiffs Cory Spencer, Diana Milena Reed, and the Coastal
22 Protection Rangers, Inc. concerning their class action damage claims
23 alleged in this matter.

24 Qualifications

25 2. I received a bachelor of arts degree from Washington University,
26 and a PhD in economics from Cornell University. I am currently an
27 Associate Professor of economics at SFSU, a position I have held since
28 1993. I was Chair of SFSU's Department of Economics from 2002 to 2005.
I was an Assistance Professor of economics at SFSU from 1987 to 1993,
and prior to that, I was an Assistant Professor of economics at The State
University of New York at Cortland from 1983 to 1985.

1 3. I have edited five books on the subject of International
2 Economics and International Economic Policy, prepared scores of policy
3 papers for governmental and non-profit organizations, and authored or co-
4 authored a number of refereed papers performing economic analyses
5 regarding the impact of climate change, erosion, and beach attendance on
6 Southern California beaches. A true and correct copy of my current
7 *curriculum vitae* is attached as **Exhibit 1**.

8 4. I have served as an expert witness in the field of economics in
9 approximately 40 different matters, for both the plaintiff-side and defense-
10 side. I have also presented evidence for the California Coastal Commission
11 pertaining to the economic recreation value of beaches. Further, for more
12 than 20 years, using various models, including economic recreation value, I
13 have specifically studied the economic value of California beaches.

14 5. My fee for providing testimony at trial or deposition is \$350 per
15 hour. My fee for consulting is \$200 per hour. Because of the importance of
16 this matter to beach access, I have provided my initial services and this
17 declaration to Plaintiffs without charge.

18 6. Recently, Plaintiffs in the above-referenced matter retained me
19 to provide expert consulting and testimony concerning the valuation of
20 group-based and class wide damages with respect to the proposed
21 beachgoer class' exclusion from Lunada Bay. My review covers the period
22 from 1970 to present. Having been recently retained, my research is
23 preliminary and conservative in terms of ascertaining group-based damages
24 to the beachgoer class, I am able to express an opinion related to
25 recreational beach/surfing economic valuation by examining studies at
26 similar sites. This method (benefits transfer) is an accepted method used by
27 economists and public agencies to value recreational beach resources.

28 ///

1 Research Pertaining to Lunada Bay

2 7. I have reviewed the Class Action Complaint filed in this matter,
3 with specific attention to remedies sought and the class definition in the
4 Complaint.

5 8. California has more than 1,100 miles of coastline. In the United
6 States, it is estimated that there are more than 3 million surfers. And in
7 California, it is estimated that there are more than 1 million surfers.

8 9. Using census data, information provided by the California
9 Coastal Commission, and information available to me from my more than 20
10 years of studying California beaches, there are approximately 30,000,000
11 residents in Southern California¹ and approximately 238,000,000 "visitor-
12 days"² to California's beaches each year. While they are very different from
13 Lunada Bay, as a comparator to other Southern California beaches, the
14 annual attendance at Venice Beach is more than 8 million visitor-days, and
15 the annual attendance at Huntington Beach is more than 10 million visitor-
16 days.

17 10. Palos Verdes Estates has about 4.5 miles of coastline, and I
18 understand that Lunada Bay is less than 1/2 mile of coastline. Today, I
19 understand that fewer than 100 surfers regularly surf Lunada Bay.

20 11. Beyond my more than 20 years of experience in valuating
21 beaches, I have conducted initial research by reading about Lunada Bay
22

23 ¹ For purposes of this paragraph, I count the following as Southern California
24 counties: San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura,
25 Los Angeles, San Bernardino, Orange, Riverside, San Diego and Imperial.

26 ² The number of "visitors" to a beach is the number of unique individuals who
27 visit the beach in a given year. A visitor-day, in contrast, is the total number
28 of all day-visits by everyone. For beach count studies, attendance is
typically kept in visitor-days as opposed identifying unique individual visitors.

1 generally and about its localism problem, including reports and articles
2 printed in *The Los Angeles Times*, *The Daily Breeze*, *Surfer Magazine*,
3 SURF-forecast, The Encyclopedia of Surfing, and Surflife. I have reviewed
4 many photographs of Lunada Bay and have spoken to a number of surfing
5 and California beach-access experts. Further, I have reviewed census data,
6 information available from the California Coastal Commission, and my notes
7 and related information from other beach access matters where I have
8 served as an expert.

9 12. In addition, I have coordinated my work involving my
10 investigation of the economic valuation of Plaintiffs' exclusion from Lunada
11 Bay with that of other experts, including my review of the declaration of
12 surfing historian and expert Peter Neushul filed in support of Plaintiffs' class
13 certification motion. I understand that Lunada Bay has a longstanding
14 reputation for localism that deters surfers and other beachgoers from
15 attempting recreate there.

16 13. Also, I have firsthand experience visiting many California
17 beaches, and before this assignment I had visited and hiked the bluffs of the
18 Palos Verdes Peninsula.

19 Preliminary Analysis

20 14. The literature on the economics of coastal recreation indicates
21 that surfing typically has among the highest recreational economic value of
22 any beach related activities. Based upon my initial research, I have
23 concluded that Lunada Bay is an elite, world-class surfing location. I
24 understand that Lunada Bay's unique features can create ideal surfing
25 conditions, including big wave conditions – and while the primary season for
26 big waves at Lunada Bay is from November to March, I understand that
27 Lunada Bay offers surfing and other beach-related activities year round.
28 Further, the opportunity to surf Lunada Bay, even if only once, is important

1 to many surfers, both expert and novice.

2 15. Applying standard tools used by economists it is clear that
3 Lunada Bay has value significantly greater than less desirable surfing
4 locations. Based on my initial research, I understand that Lunada Bay has
5 unique features, including its location in proximity to densely-populated Los
6 Angeles County, free nearby off-street parking, easy visibility of surfing
7 conditions from the bluffs above the shoreline, a bay with deeper water
8 where both small boats can anchor and surfers can paddle to the waves
9 using the deeper-water channel, kelp beds that help protect waves from
10 onshore winds, a shallow rock reef, tide pools, nearby hiking trails, and the
11 adjacent sheer cliffs that enhance the undeveloped shoreline in terms of
12 providing a scenic escape for surfers in densely-populated Southern
13 California. For people that live in Los Angeles, finding a similar beach and
14 conditions would require substantial travel. Further, I understand that
15 Lunada Bay is unique because it is one of the very few Southern California
16 deep-water surf spots that can produce a powerful wave ideal for big-wave
17 surfing. In terms of being a world-class surf site, while it is world class for its
18 own unique reasons, my initial research indicates Lunada Bay is on the
19 same world-class level as Trestles Beach, which is located in North San
20 Diego County and part of the San Onofre State Beach. Trestles Beach
21 (consisting of the waves from Lower Trestles, Upper Trestles, and Cotton's)
22 averages about 330,000 surf trips per year. While no beach offers Lunada
23 Bay's exact conditions, other comparator beaches might include Todos
24 Santos (Baja California, Mexico), Black's Beach (San Diego County),
25 Swami's (San Diego County), Malibu (north Los Angeles County), Rincon
26 (Santa Barbara County), Pleasure Point (Santa Cruz County), Steamer Lane
27 (Santa Cruz County) and Mavericks (San Mateo County). None of these
28 beaches are located in densely-populated south Los Angeles County, and I

1 understand that none otherwise have the same features as Lunada Bay. In
2 other words, Lunada Bay's unique surf experience has few, if any, good
3 substitutes. Moreover, many surfers place a high value on the unique
4 experience of different surf spots, and, as outlined above, Lunada Bay's
5 experience is significantly different from other sites on the North American
6 west coast.

7 16. In addition to surfing, because of its scenic beauty and unspoiled
8 protected shoreline next to nearby hiking trails, I understand Lunada Bay
9 can be used for other outdoor and beach-related activities such as hiking,
10 photography, viewing the ocean and general sightseeing, tide pooling,
11 snorkeling, scuba diving, sailing, fishing, birding, beach combing, dog
12 walking, and picnicking. These activities add to the recreational economic
13 value of Lunada Bay. It is also my understanding that many coastal trails go
14 nearby Lunada Bay and thus any impingement on the ability of visitors to
15 hike by Lunada Bay may also impact the entire coastal trail system in that
16 area.

17 17. Because Lunada Bay is a premier surf spot, based upon my
18 initial research, if it were not for localism I would conservatively anticipate a
19 range of 20 to 25 surfers to be in the water on the main point when good
20 surfing conditions are present and even more on the weekends. Making the
21 assumption of two morning sessions per day and one evening session per
22 day, during good conditions, this should equate to between 60 and 75
23 surfers per day using Lunada Bay plus some additional surfers surfing at
24 non-peak hours. In addition to surfers, I would also expect there to be out-
25 of-area sightseers and other daytrip visitors. But based upon my preliminary
26 research, I understand that the current number of surfers in the water is
27 typically far fewer at 4 to 8 surfers during a regular morning or evening
28 session, and that non-surfing day-trip visitors are significantly fewer as well.

1 18. On an annual basis, I was able to preliminarily estimate the
2 number of surfers and beachgoers at Lunada Bay by basic arithmetic.

3 19. Based on my experience, data, and information I have reviewed
4 to date, I have preliminarily concluded that a reasonable, likely conservative,
5 estimate of the recreational value of the surfing at Lunada Bay is between
6 \$50 and \$80 per person per visit during the high season (November to
7 March) and approximately half of that during the rest of the year. Using that
8 figure and data showing a beach like Lunada Bay should conservatively
9 have at least 20,000 to 25,000 annual surfers plus other hikers and visitors, I
10 have estimated the lost surfing recreational value caused by localism since
11 1970 to be at least \$50,000,000 including modest interest. And over each of
12 the last five years, I estimate the lost surfing recreational value caused by
13 localism to be at least \$1 million per year. Further, while Lunada Bay's
14 scenic beauty and unique recreational opportunities within Los Angeles
15 County make it irreplaceable, I have preliminarily concluded that a
16 reasonable, if not extremely conservative, overall economic value of Lunada
17 Bay using the recreational value method would exceed \$50,000,000 if it did
18 not suffer under localism. Indeed, I believe my early annual loss, aggregate
19 loss since 1970, and total value estimates could significantly undervalue the
20 actual loss and a more detailed analysis could determine that the actual
21 economic value is much higher.

22 20. Because I have just started my research and have only
23 conducted a preliminary analysis, the conclusions I have reached in my
24 initial valuations are intentionally conservative. My final recreational
25 economic valuation may be higher. For example, as I study and add in
26 recreational value for the non-surfing beach-related activities such as hiking,
27 photography, viewing the ocean and general sightseeing, tide pooling,
28 snorkeling, scuba diving, sailing, fishing, birding, beach combing, dog

1 walking, and picnicking, I anticipate these values to be higher. My estimates
2 also assume only three cycles of surfing per day. However, it is very
3 possible that this estimate is conservative, particularly during peak season
4 and on weekends.

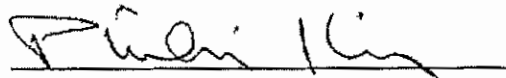
5 I declare under penalty of perjury under the laws of the United States
6 of America that the foregoing is true and correct.

7

8 Executed in Davis, California on December 28, 2016.

9

10



11

PHILIP KING

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Exhibit “8”

Song, Jacob

From: Song, Jacob
Sent: Thursday, January 12, 2017 5:06 PM
To: 'Samantha Wolff'
Cc: Kurt A. Franklin; Hewitt, Antoinette P.; Richards, Edwin J.
Subject: RE: Lunada - Declaration of Philip King

Samantha,

Thank you for the continued meet and confer efforts. The City's opposition is due in less than 24 hours, and we have and continue to prepare that opposition based upon the state of Plaintiffs' class certification papers as of the December 29, 2016 filing date. Therefore, we are not in a position to agree to your proposal.

Sincerely,

Jacob

From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Thursday, January 12, 2017 4:09 PM
To: Song, Jacob
Cc: Kurt A. Franklin
Subject: Lunada - Declaration of Philip King

Jacob,

Following up on our call today, while we disagree that Philip King's declaration fails to adequately specify his methodology, in the interest of meeting and conferring under Local Rule 7-3 and avoiding an unnecessary motion, we would agree to provide a supplemental declaration. If there is a particular paragraph or lines in Dr. King's declaration that causes the City pause, we could explore it specifically. Please let me know if the City would like to explore this as a way to address its concerns.

Sincerely,
Samantha

Samantha Wolff
Partner
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